

CITY OF ROCKY RIVER

January 8, 2018

The Regular Meeting of Council was called to order by Mr. Moran following the administering of the Oaths of Office to the Honorable Donna Congeni-Fitzsimmons, Mayor Pamela E. Bobst, Law Director Andrew D. Bemer, Jr. and Ward Councilmembers Thomas J. Hunt, James W. Moran, Michael P. O'Donnell, John B. Shepherd and Councilmembers At-Large David W. Furry, Christopher J. Klym and Brian J. Sindelar. The ceremonial Oaths of Office were administered by the Honorable Brian F. Hagan, the Honorable Donna Congeni-Fitzsimmons, Judges at the Rocky River Municipal Court and Matthew Fitzsimmons, Attorney-At-Law. Reverend John Chlebo, Pastor of St. Christopher Catholic Church, Rocky River, OH presented the Invocation and Benediction. Also in attendance were Cuyahoga County Councilwoman Nan Baker and Prosecutor Michael O'Shea.

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

Mr. Moran called for nominations for President of Council. Mr. Shepherd nominated Mr. Moran as President of Council for the next two years. Mr. O'Donnell seconded the nomination. Mr. Moran accepted and as there were no further nominations the vote was taken.

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

President Moran then called for nominations for President Pro-Tem of Council. Mr. O'Donnell nominated Mr. Hunt as President Pro-Tem of Council for the next two years. Mr. Sindelar seconded the nomination. Mr. Hunt accepted and as there were no further nominations the vote was taken.

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

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Legislative Meeting and Public Hearing of December 11th, 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. O'Donnell, that the reading of the minutes of the Special Meeting and the Committee-of-the-Whole Meetings of December 18th 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

MAYOR'S REPORT:

The Mayor announced that the Residence Reference Guide was mailed today and should be received in homes the next couple of days. Thank you to Cleveland Magazine for their assistance with this Guide, which is produced and disseminated at no cost to the residents of Rocky River. The Mayor thanked the advertisers who allow this to be a free publication for the residents. Thank you also to Mary Ellen Umerely, the Mayor's executive assistant, who coordinates along with Cleveland Magazine to get the publication out in January.

The Mayor also announced that the City received a NOPEC Energized Community Grant in the amount of \$88,638. This is awarded to communities for energy efficiency projects in energy infrastructure projects. The city anticipates using this grant for a generator for the Civic Center. The city will receive this same amount for an additional two years.

The Mayor also reported that Director Costello has applied for an EPA Litter Management Grant for \$100,000 for a refuse packer. This doesn't cover the entire cost of the truck, but will cover a large portion of the cost.

The Mayor stated that a request was also submitted to the State Capital Budget for the reconstruction of a nearshore portion of Bradstreet's Pier. This project is a significant cost between 1.2 -1.5 million dollars. This request was forwarded to State Representative David Greenspan. The city did receive \$350,000 from the State Capital Budget a couple of years ago, thanks to Nan Baker. The city is hopeful that it will be able to secure these funds.

The Mayor discussed the aggressive turkey situation that has disrupted mail service in the Valleyview/Edgewood area. The city is working with the U.S. Postal Service including the Rocky River Post Office and the Postmaster General in Cleveland regarding the situation. The brood of turkeys approached a postal carrier interfering with the delivery of mail. The residents have had to go to the post office to retrieve their mail which has been very inconvenient for the residents. The Animal Control Officer is involved and working on solutions and tools for the mail carrier. The city has requested that birdseed or food scraps not be left out. The situation has created a lot of interest nationwide. Some residents have contacted the city saying that they greatly appreciate the efforts of the postal service and the City of Rocky River. The Animal Control Officer will be in the area to help manage the situation.

The Mayor also discussed the Yacht Club Basin. There is ice on the river, however the mouth of the river is open and flowing. The Mayor thanked Fire Chief Lenart and Chief Gilman of Lakewood for checking the mouth of the river. The expected weather is to warm up along with precipitation so the city will continue to monitor the river in both Rocky River and Lakewood. There is a notification process in place for all the residents in the Yacht Club Basin area.

The Annual Dredging Meeting will be held this Friday at the Yacht Club. This is a collaborative meeting with Congresswoman Kaptur's office, city administration, the police and fire department, the City of Lakewood, Cleveland Metroparks, the U.S. Coast Guard, the Army Corps of Engineers, the CYC Emergency Response Team and the ODNR. This shows the level of integration of management in making sure the river is enjoyed by everyone and that there is not any property damage along the river.

The Mayor received a notification today from the Cleveland Metroparks that "culling" will begin January 16th and continue through March 15th. Safety will be the primary concern and sections of the Metroparks may be closed down from time to time.

The Cuyahoga Green Ways Project, which is a collaborative between the Cuyahoga Planning Commission, the Cleveland Metroparks and NOACA will be holding a public meeting Thursday, January 18th from 6:30 p.m. to 8:30 p.m. at the Gemini Center in Fairview Park. Director Costello has been involved in this process. The project team has worked on a network of routes that connect existing trails, parks, commercial centers and points of interest throughout Cuyahoga County. Residents are invited to attend the meeting to give feedback regarding this project.

Next Monday City Hall will be closed in observance of Martin Luther King Day.

LAW DIRECTOR'S REPORT:

Law Director Bemer said that there is a Planning Commission Public Hearing on 700 Lake Road Project this Wednesday, January 10th and the Board of Zoning Appeals will meet on Thursday January 11th regarding the seven agenda items.

COMMITTEE REPORTS: President Moran discussed the new appointed committees for the upcoming term: Mr. Hunt will chair the Safety Committee; Mr. O'Donnell will chair the Finance Committee; Mr. Shepherd will chair the Contracts, Government and Judicial Committee; Mr. Furry will chair the Environmental Committee; Mr. Sindelar will chair the Buildings, Equipment and Technology Committee; Mr. Klym will chair the Parks, Recreation and Health Committee; and Mr. Moran will chair the Planning, Zoning and Economic Development Committee. An updated roster will be distributed to Council.

SWEARING IN: Council President Moran administered the oath of office to the Clerk of Council.

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

Mr. Shepherd said that Ordinances No. 79-17 through Ordinance No. 93-17 are not going to be read tonight. These have been read twice and Mr. Shepherd suggests that the Chairs of the Planning Commission and the BZA, the Building Commissioner and the Law Director attend a Committee Meeting so these ordinances can be discussed in depth. Law Director Bemer suggested two different dates as these ordinances are fairly extensive. The Mayor said dates for this meeting will be discussed this week.

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. 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. 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 BREEZEVILLE 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 BREEZEVILLE 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 said this has been referred to the Planning Commission and is on that agenda for a Public Hearing meeting this Wednesday. Upon receiving the Planning Commission's recommendation, the ordinance will then be read two more times along with a Public Hearing.

NEW BUSINESS:**ORDINANCE NO. 1-18****BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY SERVICE DIRECTOR TO RENEW AN AGREEMENT WITH FABRIZI TRUCKING & PAVING CO., INC. FOR THE EMERGENCY REPAIR OF STREETS AND STORM AND SANITARY SEWERS WITHIN THE CITY OF ROCKY RIVER AT A COST NOT TO EXCEED \$90,000.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd said that this is an ordinance that usually is acted on once a year. Council has acted on an equivalent ordinance a few months ago. Mr. Shepherd discussed this with Director Costello and she will be prepared to give an overview of the last ordinance for Fabrizi and then discuss this new ordinance at the next Committee-of-the-Whole Meeting.

RESOLUTION NO. 2-18**BY: JAMES W. MORAN**

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR ITS ENHANCE MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES (SECTION 5310) PROGRAM GRANT FOR A TRANSPORTATION VEHICLE FOR THE ROCKY RIVER SENIOR CENTER

1st READING

Mr. Moran said that this was in the Budget for this year. The estimated cost to purchase this vehicle is \$75,000. 80% of the estimated cost will be eligible for grant funding which is the basis of this ordinance. 20% of the difference will come from city funds. Director Costello said she is very confident that the city will receive the funds from this grant. Mr. Moran said that this resolution needs approval by February 2, 2018. President Moran is asking for a Special Meeting next week prior to the Committee-of-the-Whole Meeting.

- Councilman Klym asked what kind of vehicle is being discussed. Director Costello said that the Director of Aging is requesting a vehicle that will accommodate more than one wheelchair as well as other passengers. There is a light transit vehicle that is described as having 8 passengers with 2 wheelchairs or 6 passengers with 3 wheelchairs. The driver will not need to have a CDL or Livery License. The Mayor said that Director Costello and Director Huff will be meeting with the department of NOACA to discuss this grant and will receive more detailed information. Director Costello said that there will also be a Public Hearing regarding this as required in the grant application. Director Costello also stated in reply to Mr. Moran's question that there is a low step accommodation as well as wheel chair accessibility with this vehicle.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

President Moran thanked the audience for attending this evening's meeting. Next week's meeting will be held on Tuesday, January 16th at 7:00 p.m.

As there was no further business by members of Council, the meeting was adjourned at 8:15 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council