

CITY OF ROCKY RIVER

DECEMBER 10, 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. Sindelar, Mr. Klym, Mr. Moran

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

Law Director: Mr. Bemmer

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 November 26th 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

Moved by Mr. Moran, seconded by Mr. O'Donnell that the reading of the minutes of the Committee-of-the-Whole Meeting of December 3rd 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. O'Donnell, seconded by Mr. Hunt that the reading of the minutes of the Finance Committee Meeting of November 30th 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

MAYOR'S REPORT:

The Mayor discussed the airport meeting that was held today. Local leadership along with the leadership from Cleveland Hopkins Airport and the F.A.A. provided the last update regarding the Metroplex Project for right now. The Director of Cleveland Hopkins Air Traffic said that passenger air traffic has increased by 10% and those numbers are continuing to grow. An interesting fact that was noted is that only 3% of those traveling to Cleveland Hopkins Airport are there to transfer planes. Most people are either departing from here for another destination or they are arriving here. That statistic has economic development consequences. A 30% decrease in average airfares was announced. The Metroplex Project is a congressional mandate for the efficient use of airspace and promoting satellite navigation and moving away from ground base navigational aids. This project has been in the process of implementation for a couple of years. This is the Detroit/Cleveland Metroplex Project but Cleveland is treated as the model because of the community engagement piece that the Mayor and Mr. Furry have been involved in. The implementation was the middle of September 2018. There have been very few noise complaints. Airplanes are either at the same altitude or higher, traveling down the valley to Lake Erie and turning

westbound out past the lake. There was some north flow weather this fall that impacted some planes traveling over Rocky River. The Mayor thanked the leadership for all of their work along with their level of communication.

The Mayor shared Recreation Center statistics with Council. There is a membership drive currently and there are 53 new memberships so far. In terms of usage, the Rec Center is up more than 1,000 visits in October and November. Silver Sneakers total reimbursement to the City for 2017 is just under \$130,000. Silver Sneakers is a very big part of the work that is done at the Rec Center. The Rec Center was able to contract a raise in the amount of reimbursement per visit for Silver Sneakers. However, there are some plans that are moving to pay for half of the membership as opposed to the visits. Hopefully the city will continue to see growth in that area.

LAW DIRECTOR'S REPORT: Law Director Bemmer said there will not be a BZA hearing this month. The Planning Commission Meeting is scheduled for Wednesday, December 19th.

There was a status conference on the fire truck litigation. There are some stipulations that are to be entered into regarding one particular issue that is to be briefed by January 15th to determine whether one particular party should remain in the litigation. There will be another status conference towards the end of February.

- Mr. Furry asked if the fire truck litigation would be completed in 2019. Mr. Bemmer said that the movement was with the intention to mediate and that was proposed. Right now, there are four separate pieces of litigation that are consolidated. It seems like all except one particular party are on the same page to mediate. Hopefully there will be a decision shortly after the January 15th briefing deadline on that particular issue. Mr. Bemmer said it is hopeful that this will be completed in 2019.
- Mr. O'Donnell asked out of curiosity, if the same party not on the same page is the same party trying to get out of the lawsuit. Mr. Bemmer said no, but this can be discussed further in executive session.
- Mr. Sindelar asked what was on the agenda for the Planning Commission on December 19th. Mr. Bemmer does not have the agenda. Mr. Sindelar was wondering if anything was on regarding 700 Lake Road.

COMMITTEE REPORTS: NONE

COMMUNICATIONS AND ANNOUNCEMENTS: President Moran mentioned that a letter was received by Clerk Pease from the Heritage Home Program. The Heritage Home Program gives some of the residents the option of low interest loans and engineering for those homes that are more than 50 years old. The city has not participated for the past several years. There is a fee in the amount of \$8,980 for the city to participate but only a few residents take advantage of it. The Mayor added that it provides technical assistance and access to low interest loans. Part of why the city moved away from this was there were very few homeowners taking advantage because the interest rates were so low and very competitive with this program. It did not make sense for the city to spend several thousand dollars when people were not taking advantage of the program.

President Moran also received information from Senior Council at the Senior Center regarding finding ways to protect the seniors. The Mayor added that Senior Council has raised money that is available to provide programs to the Senior Center. They are looking at a project they would like to fund. The Mayor will share more information as that is finalized.

President Moran notified Council that a letter was received from Ms. Saganich regarding an issue that came up with the BZA. Ms. Saganich filed an administrative appeal today at the Court of Common Pleas and served it to the Building Department.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

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 amended ordinance is still on hold waiting for a revised exhibit from Law Director Bemer. Mr. Shepherd would like the Lakefront setback section to be removed and addressed on a comprehensive basis including provisions that will affect all different zoning type areas. Mr. Shepherd also said that Council is not in favor of the side yard fence language and would like that language deleted from the exhibit. The side yard air conditioning at ten feet off a property line is fine. This will be read a third time next week.

AMENDED ORDINANCE NO. 74-18

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2019 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER

ON HOLD

Mr. O'Donnell said this will not be read this evening. This has been discussed for over a month now and he has not heard any comments regarding this legislation. This is the annual salaries and hourly rates for the employees of the City of Rocky River for 2019. Mr. O'Donnell said that the city is still in collective bargaining negotiations with three bargaining units and will likely have another amendment to this ordinance. This will probably be read for a third time after the New Year. The Mayor said that the current agreements will continue and the city will continue to pay according to those agreements. The wage ordinance will reflect that.

ORDINANCE NO. 75-18

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019

ON HOLD

Mr. O'Donnell said that this is on hold this evening but will be read at next week's Special Meeting. This ordinance is the city's annual budget. The budget has been discussed for over a month and is in good shape. Mr. O'Donnell has not had any comments beyond what was discussed in the Finance Committee Meeting. There will be a Public Hearing next Monday regarding this legislation.

Prior to reading Ordinance No. 78-18, Mr. Shepherd moved for amendment of Ordinance No. 78-18 by adding the coverage for deadly force to Section 1, seconded by Mr. Furry and Mr. O'Donnell.

Vote: Hunt – aye
Sindelar – aye
7 ayes

Shepherd – aye
Klym – aye

O'Donnell – aye
Moran – aye
0 nays

Furry – aye

PASSED

AMENDED ORDINANCE NO. 78-18**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR VARIOUS INSURANCE COVERAGES FOR THE CITY OF ROCKY RIVER WITH MCGOWAN INSURANCE COMPANY, INC. FOR THE YEAR 2019 AT A TOTAL COST OF \$275,893.00

3rd READING

Mr. Shepherd said that this ordinance provides coverage through McGowan Insurance Company. This has been discussed for the last five weeks. Mr. Shepherd moved for passage of Amended Ordinance No. 78-18, seconded by Mr. O'Donnell.

Vote: Hunt – aye
Sindelar – aye
7 ayes

Shepherd – aye
Klym – aye

O'Donnell – aye
Moran – aye
0 nays

Furry – aye

PASSED

ORDINANCE NO. 79-18**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE A 2018 CATCH BASIN/VACUUM TRUCK UNIT WITH 16 CUBIC YARD BODY FOR THE SERVICE DIVISION FROM BEST EQUIPMENT AT A TOTAL COST NOT TO EXCEED \$174,640.00

2nd READING

Mr. Sindelar said that this ordinance is for the purchase of a 2018 catch basin/vacuum truck unit with 16 cubic yard body for the Service Division from Best Equipment. This will be attached to the chassis purchased on Ordinance 43-18 for \$84,256. This will allow the body to be purchased with the controls and the vacuum for the equipment. This will have a third read and will be on a consent agenda.

ORDINANCE NO. 80-18**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE A 2018 STAINLESS STEEL DUMP BODY WITH SNOW PLOW PACKAGE INSTALLED ON SUPPLIED TANDEM AXLE CLASS 8 CAB AND CHASSIS FOR THE SERVICE DIVISION FROM CONCORD ROAD EQUIPMENT AT A TOTAL COST NOT TO EXCEED \$70,563.91

2nd READING

Mr. Sindelar would like this ordinance added to the consent agenda. Mr. Sindelar said that this ordinance is for the purchase of a 2018 stainless steel dump body with a snowplow package, which will be attached to the chassis purchased on Ordinance 65-18. This will be the “Swiss army knife” of dump trucks. There was one bid on this.

ORDINANCE NO. 81-18**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE A 32 CUBIC YARD REFUSE PACKER BODY FOR THE SERVICE DIVISION FROM BEST EQUIPMENT AT A TOTAL COST NOT TO EXCEED \$70,990.00

2nd READING

This purchase was publicly bid as it was not available through the state cooperative purchasing contract and there was one bidder. This truck will replace truck #34, a 2000 25 cubic yard truck with over 150,000 miles on it that will be traded in for about \$3,000. The new truck will be used daily for the collection of refuse in the city. Mr. Sindelar would like this added to the consent agenda.

ORDINANCE NO. 82-18**BY: JAMES W. MORAN**

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY COURTVIEW JUSTICE SOLUTIONS, INC. THE SUM OF FIFTY SEVEN THOUSAND FOUR

HUNDRED FORTY TWO DOLLARS (\$57,442.00) FOR THE COST OF SUPPORT SERVICES FOR VARIOUS SOFTWARE APPLICATIONS FOR THE ROCKY RIVER MUNICIPAL COURT AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

2nd READING

Mr. Moran said that this has been discussed and is a software service bill that just came up recently but was in the budget for this year. The Courts would like this paid from this year’s budget before the end of the year. Mr. Moran would like to add this to the consent agenda.

ORDINANCE NO. 83-18

BY: MICHAEL P. O’DONNELL

AN EMERGENCY ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018 AND TO AMEND AMENDED ORDINANCE NO. 97-17

2nd READING

Mr. O’Donnell said this has been discussed for several weeks. All the changes on the attached exhibit A relate to Health Insurance Premiums, unanticipated severance payments that were necessary as a result of turnover in various departments and compensation issues for overtime, etc. Mr. O’Donnell has not had any questions and would like this on the consent agenda.

RESOLUTION NO. 84-18

BY: THOMAS J. HUNT

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY TO RECEIVE FUNDING FROM THE 2019 CUYAHOGA COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT (CDSG) PROGRAM IN THE AMOUNT OF \$50,000.00 FOR IMPROVEMENTS AT THE HILLIARD/WAGAR INTERSECTION FOR PEDESTRIAN SIGNALS AND CROSSWALKS AND THE MID-BLOCK CROSSWALK ACROSS HILLIARD AT THE OUTDOOR POOL AND PEDESTRIAN SAFETY WALKS AT ROCKY RIVER CITY CAMPUS

2nd READING

Mr. Hunt said that this will be discussed further at next week’s meeting. Director Costello relayed good information to the particulars at last week’s meeting regarding this resolution. This will have a third read next week and Mr. Hunt would like to put this on the consent agenda as well as it is accepting funds in.

NEW BUSINESS:

RESOLUTION NO. 85-18

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) PROGRAM GRANT AGREEMENT FOR ITS ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES (SECTION 5310) FOR A TRANSPORTATION VEHICLE FOR THE ROCKY RIVER SENIOR CENTER

1st READING

Mr. Shepherd said that this authorizes the city to accept a NOACA grant in the amount of \$60,000 with the city paying \$15,000 to purchase a multi-passenger van with extended headroom for better mobility. There is a vehicle on the State Cooperative Purchasing list that has been bid by the State of Ohio. This will have three full reads. The Mayor added that the city has already received this grant. An extension was granted until January 15th, which allows three full reads.

ORDINANCE NO. 86-18

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RICHARD L. BOWEN AND ASSOCIATES, INC. FOR THE ROCKY RIVER POLICE DEPARTMENT FOR CONSTRUCTION ADMINISTRATION SERVICES IN AN AMOUNT NOT TO EXCEED \$396,443.88

1st READING

Mr. Hunt said that the appearance of this ordinance on the agenda has sparked some questions for purposes of discussion. Mr. Hunt will discuss this more at next week's meeting. Director Costello has responded to an email Mr. Hunt sent and he will forward the response to Council. The proposal attached is Exhibit A as Council discusses going forward with the police facility. Council is familiar with Bowen and Associates, as they have been spearheading the project for some time. Mr. Hunt asked Council to look at the attachment prior to next week's meeting. The final read will be after the first of the year in January.

RESOLUTION NO. 87-18

BY: MICHAEL P. O'DONNELL

AN EMERGENCY RESOLUTION ESTABLISHING A RESERVE BALANCE ACCOUNT IN THE CITY OF ROCKY RIVER IN ORDER TO STABILIZE ANNUAL BUDGETS

1st READING

This was discussed throughout the budget process. This resolution will allow the city to establish a fund, which can be used for particular purposes from the County because of the higher appraisals from the real estate, taxes and designate the funds for particular purposes. Mr. O'Donnell is looking forward to establishing this fund.

CONSENT AGENDA:

RESOLUTION NO. 70-18

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR THE RESURFACING OF A PORTION OF HILLIARD BOULEVARD WITHIN THE CITY OF ROCKY RIVER

3rd READING

Mr. Shepherd said that this ordinance authorizes the Mayor to enter an agreement with the Cuyahoga County Department of Public Works for the resurfacing of a portion of Hilliard Blvd. The county will pay 80% of the resurfacing costs up to a maximum of \$1.452 million and the city will pick up the 20%. The engineering is split 40% municipality and 60% county. This has been discussed for five weeks.

RESOLUTION NO. 71-18

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA), FOR TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) PLANNING, TO FUND IMPROVEMENTS FOR THE "COMMUNITY CONFLUENCE TLCI" PROJECT

3rd READING

Mr. Shepherd said that this resolution is for an application for a NOACA Planning Grant for Rocky River, Lakewood and the Metroparks to seek to improve access and use of the Metroparks by the residents.

ORDINANCE NO. 72-18

BY: JOHN B. SHEPHERD

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DELTA DENTAL TO PROVIDE DENTAL COVERAGE FOR THE FULL-TIME EMPLOYEES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Shepherd said this ordinance authorizes the city to contract with Delta Dental to provide dental coverage for the full-time employees of the city.

ORDINANCE NO. 73-18

BY: JOHN B. SHEPHERD

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH MEDICAL MUTUAL OF OHIO TO PROVIDE HEALTH CARE, PRESCRIPTION INSURANCE COVERAGE, AND OPTIONAL VISION COVERAGE FOR THE FULL-TIME EMPLOYEES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Shepherd said that by authorizing this contract the city will fulfill its obligation with the collective bargaining agreements and provide medical coverage for the employees. This is an extension of the current program with a 2.6% increase, which will be paid for out of the reserves.

ORDINANCE NO. 76-18

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER MUNICIPAL COURT WITH JACKSON DIEKEN & ASSOCIATES FOR THE YEAR 2019 AT A TOTAL COST OF \$9,828.00

3rd READING

Mr. Shepherd said that this is the insurance coverage for Rocky River Courts from Jackson Dieken & Associates in the amount of \$9,828.00. This did go out to bid but only had one bidder with a modest increase. Jackson Dieken and Associates has met the needs of the Courts for many years.

ORDINANCE NO. 77-18

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT WITH MCGOWAN INSURANCE COMPANY, INC. FOR THE YEAR 2019 AT A TOTAL COST OF \$76,922.00

3rd READING

Mr. Shepherd said that this went out to bid but had only one responsive bidder. McGowan Insurance did insure the WWTP last year also. This cost is split with the four cities that participate in the Wastewater Treatment Plant.

Moved by Mr. Moran, seconded by Mr. O'Donnell that Resolution Nos. 70-18, 71-18, Ordinance Nos. 72-18, 73-18, 76-18, 77-18 of the Consent Agenda be passed as read.

Vote: Hunt – aye

Shepherd – aye

O'Donnell – aye

Furry – aye

Sindlear – aye

Klym – aye

Moran - aye

7 ayes

0 nays

PASSED

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Ms. Suzanne Saganich, 21623 Avalon Drive in Rocky River, asked Mr. Moran where he got the information that she filed an action against the city today. Mr. Moran said he received a piece of paper saying she had filed something. Ms. Saganich would like the record to reflect that this is not true. She did not file anything against the city today or has she filed anything with the Common Pleas Court against the city today. That is false information and she thinks it is time to set the record straight about all the false information perpetrated against her and her matter. She left the opportunity open for Council to consider this de novo. She

did serve the notice to the city stating that she could file an appeal. She did not file a lawsuit against the city, she did not file an administrative appeal, she did not file anything with the court and whoever directed Mr. Moran in that manner is lying. She would just like the record to reflect that that has not been done and she would like Council to have the opportunity to consider the matter of de novo. She wants the record to be clear. Mr. Moran stated that he appreciates her comments and if there was a mistake he apologizes and he may have been in error. Mr. Bemmer said he is holding up the Notice of Appeal that was served on the Building Department today along with the Praecipe. If this has not been filed with the court, he is questioning why you are serving the Building Department if it has not been filed. Ms. Saganich responded that you serve the Praecipe first and then you file an appeal subsequent. Mr. Bemmer said it is not a lie. Ms. Saganich said it is a lie that it was said she filed something with the Court of Common Pleas. Ms. Saganich said she noticed the city because she needed certain parties, Susan Pease for one, to stamp it and she knows the Clerk of Council would be here because there was a City Council meeting. She served on the Zoning Administrator, served on the Clerk of Zoning Appeals and served on the Clerk of Council. She delivered copies to each of those but nothing has been filed with the Court of Common Pleas. She was giving Council the opportunity to hear the de novo as she requested a couple of weeks ago and she does not recall it having been ruled on. She would like the record to reflect that she has not filed any action with the Court of Common Pleas. Mr. Bemmer asked if she did not intend to file? Ms. Saganich responded "was it your statement that she filed something with the Court of Common Plea?" Mr. Bemmer said that there was every indication, asking for receipts from the Clerk and the Building Administrator, and this was passed on to him. Ms. Saganich said she wants to make it clear that nothing was filed with the Court of Common Pleas on her behalf as of 7:50 this evening. Mr. Moran said if you are going to file it was assumed due to the information of preparation. Ms. Saganich said that she has not filed against the city. This is one more thing that is falsely placed in the record about her.

As there was no further business by members of Council, the meeting was adjourned at 7:50 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council