

**CITY OF ROCKY RIVER**

**May 13, 2019**

The Regular Meeting of Council was called to order by Mr. Moran, President of Council immediately following the CIC Meeting in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O’Donnell, Mr. Furry,  
Mr. Sindelar, Mr. Moran

Absent: Mr. Klym

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. O’Donnell that the reading of the minutes of the Legislative Meeting of April 22<sup>nd</sup> be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	O’Donnell – aye	
Furry – abstain	Sindelar – aye	Moran – aye	
5 ayes	1 abstain	0 nays	<b>PASSED</b>

Moved by Mr. Moran, seconded by Mr. O’Donnell that the reading of the minutes of the Committee-of-the-Whole Meeting of May 6<sup>th</sup> be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	O’Donnell – aye	
Furry – aye	Sindelar – abstain	Moran – aye	
5 ayes	1 abstain	0 nays	<b>PASSED</b>

**MAYOR’S REPORT:**

The Mayor publicly congratulated Fire Chief Aaron Lenart, for graduating from the Ohio Fire Executive Program. This is a two and a half year process with over 200 hours, 40 papers, 2 presentations and 1 very large applied research paper. The Mayor thanked Chief Lenart for his dedication to this program and the city can now call Chief Lenart an Ohio Fire Executive.

The new Ladder Truck is scheduled for its final inspection on June 13<sup>th</sup> and will then make its way north sometime the end of June.

The Mayor updated Council on the new police station. The Architectural Review Board approved, with a few slight modifications, the elevations and architectural renderings for the new police station. The administration is finalizing numbers right now for the move as well as rebidding the demo and site prep which came in over the engineer’s estimate. The administration will continue to move along with the process and continue to share all of the information with Council and the residents.

The Mayor gave an update on paving throughout the city. The city received the go-ahead from Cuyahoga County for the repaving of Hilliard Blvd. The city received approximately \$1.6 million dollars from the County to assist the city with repaving Hilliard. The bids for this project will be opened on May 31<sup>st</sup>, and the city will be requesting a Special Meeting at some point to move this project along and get it started. It is slated to go from Westmoor to the Westlake line. The contractors will have the opportunity to split this project into two years, but it is the city's hope that it will be completed in one construction season.

Milling and resurfacing continues on Harwich Court, Dale, Beachcliff at Frazier and Old Lake to Wooster. Sunnyhill, Riverwood, Laurel and Purnell had a significant amount of work completed last year and full depth concrete repairs will be completed on Addington, Kingsmill, Middlepost and Kingsbury. After the bid opening on May 31<sup>st</sup>, ordinances regarding this work will come before Council.

The Rocky River Public Library's Strategic Planning Process was kicked-off this weekend. Councilman Furry was in attendance providing insights and thoughtful guidance to the library and staff. The Mayor is please that the city along with the schools have been asked to be at the table along with a number of stakeholders throughout the community. A good process was initiated on Saturday and will continue with surveys and other opportunities for feedback.

The Mayor mentioned that the hazardous waste collection is something that the city participates in with the Cuyahoga County Solid Waste District. The City of Rocky River was one of six top communities that participated with over 1400 lbs. of recycling material. Thank you to the residents who participated in this and kept it out of the waste stream and landfills.

Habitat for Humanity Restore had 17 donors last year from Rocky River. This year, 49 families contributed and the truck was filled. Habitat for Humanity said that if there are any other items i.e., tools, building materials, appliances or furniture residents may have, that they would be happy to come to a resident's home to pick these items up. Thank you to all the residents who thought of Habitat for Humanity and provided items so generously.

This Saturday there will be a Community Planting Event hosted by the Chamber of Commerce called "Strengthening Our Roots Planting Day 2019" from 8:00 a.m. to 11:00 a.m. in front of the Recreation Center by the outdoor pool and offices. This is a great collaboration between the city, Chamber, a chamber member landscaper, Ground Works Land Design that donated their design expertise and the Service Department. This is a great community project.

This Saturday will also kick-off the 28<sup>th</sup> Annual Art Festival, Exhibit and Sale at the Senior Center from 10:00 a.m. – 1:00 p.m. The show will continue through June 14<sup>th</sup>. The city has some very talented seniors living here.

This Sunday is the Rite Aid Marathon. The east end of Lake Road will be disrupted from 6:45 a.m. – 1:30 p.m. The turnaround is close to Wildflour Bakery. Residents are invited to come and cheer on the runners.

There will be a Shredding Event on June 1<sup>st</sup>. Thank you to Director Costello for putting together the Community Emergency Response Team Volunteers to help with this event.

- Mr. Furry commented that the Stakeholder Survey at the Library had certain portions of it that were enlightening to the city.
- Mr. Furry asked if there would be any fanfare when the new Ladder Truck arrives. The Mayor stated that there will be an Open House at the Fire Station to welcome the new Ladder Truck. More details will follow.

**LAW DIRECTOR'S REPORT: NONE**

**COMMITTEE REPORTS: Planning, Zoning and Economic Development Committee:** Mr. Moran said that the Board of Zoning and Building Appeals met last Thursday. There were six items on the agenda; three of the cases were approved as they were; one that was pulled by a resident for a boathouse, one item did not pass but will be presented again, and one was tabled.

**COMMUNICATIONS AND ANNOUNCEMENTS: NONE**

**PUBLIC COMMENT: NONE**

**UNFINISHED BUSINESS:**

**ORDINANCE NO. 88-18**

**BY: JAMES W. MORAN**

**AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 304-29-046, AND THE CONSOLIDATED PARCEL NO. 302-29-047, FROM THEIR PRESENT CLASSIFICATION OF PF PUBLIC FACILITY TO R-2 TWO FAMILY RESIDENTIAL DISTRICT, AS FURTHER DESCRIBED IN EXHIBIT "A" REFERRED TO THE PLANNING COMMISSION**

Mr. Moran said that this ordinance is the zoning change from a Public Facility to an R-2. This has been read twice with much discussion with the City's Boards and Commissions. There were many issues brought up during the combined meeting. Questions were brought up by the BZA regarding some of the different variances that were required. During the last couple of weeks, Mr. Moran spoke with Mr. Parnell, the Developer, regarding information regarding questions about some of the dimensions. Mr. Parnell was not aware of these questions. There were questions about the variance for the rear set back and questions about moving it forward. Mr. Moran discussed with the Law Director about the possibility of sending this back to the Planning Commission to review again. Mr. Moran is not sure if City Council has all the details of what has been presented. Mr. Moran does not want to send the wrong message. This is a great opportunity for improvement for that area. City Council looks forward to having a new development there but wants to be sure it is the right one for everyone going forward and that all the details are covered. Mr. Moran would suggest that this be referred back to Planning with some of the changes that were reviewed.

- Mr. Furry asked if it was down to the rear setback variances. Mr. Bemer said that it concerns area, lot coverage and units per the size of the lot. Mr. Bemer said that the R-2 mandates 6,000 square feet per unit and R-3 is 4,500 square feet per unit. As the discussion went during the joint meeting, this looks more like an R-2 ½. Mr. Bemer feels that the Planning Commission would be the best body to fare it out to what goes there and how it should be arranged.
- Mr. Moran said that there were some suggestions brought up by some of the committees but not anything concrete. He wants to be sure that all the details are covered and this is right for everyone going forward. Mr. Bemer said that there was some reference to an updated plan that had corrected the setback figures, but that was not what was presented to the Planning Commission. There is a disconnect regarding what plans the Planning Commission recommended to this body.
- Mr. O'Donnell stated that he doesn't mind sending it back to Planning, but he doesn't want to delay it too far. Is it something they can look at quickly and then get it back to Council. Mr. Bemer said that there is a Planning Commission Meeting next week on May 21, 2019.
- The Mayor asked if the Planning Commission needed something updated from Mr. Parnell. Mr. Parnell stated that the Building Department received the new plans on April 24th. Mr. Bemer stated that it will be just a matter of setting the agenda and getting notices out tomorrow if the plan has been updated.

- Mr. Shepherd asked for clarification whether a new plan has been submitted. Mr. Parnell stated that they first asked him to submit a revised plan where the property draws in 6 feet to the east. Then they asked if he could send another revision and pull the rear of those two houses to the front. At this point the drawings meet all the setback requirements for an R-2. Mr. Bemer stated that the Planning Commission has not looked at these updates. The Mayor said that the new plans will be on the Planning Commission Agenda for May 21<sup>st</sup>. Mr. Bemer confirmed.
- Mr. Moran said then after Planning, BZA would like to weigh in on this development also.
- Mr. Sindelar asked if Council will be seeing the new plan and why if Planning already recommended, why would we send it back to Planning again.
- Mr. Moran said that the updated plan has not been discussed in an open meeting.
- Mr. Parnell said that he told the Building Department that he would need a 3 feet or a 9-foot variance, and was told that may be doable. There was confusion as to the side yard setback on the north and south side. Mr. Parnell agreed to change it to 8' 3" and the plan that was submitted was 5 feet and change. Then he was asked to submit an 8 foot 3 on the side and it was recommended and was discussed at the Public Meeting.
- Mr. Bemer said that there was a Roundtable Meeting of all Commissions on April 16<sup>th</sup>. There was some concern about the Parnell project from the BZA. Mr. Parnell said he should just stop this and not waste any more time and money. There is nothing going on here.
- Mr. Moran stated that if Council votes and it does not pass, it could send a message that Council does not want a development at that location. Council wants and encourages that area to be improved and that is the message. Mr. Moran prefers to send this back to Planning one more time.
- Mr. Furry asked about Codified Ordinance No. 1115.06 where Planning has latitude to grant variances without going to BZA. Mr. Moran said that BZA would have the right of refusal for the variances and say no.
- Mr. Bemer stated that 1115.06 identifies a standard of unnecessary hardship when there is a unique lot or topographical dimensions. Planning Commission would have to make two findings: a unique situation in the lot and an unnecessary hardship exists. Mr. Shepherd said it is a use variance only. Planning Commission authority is for a use variance and not a percentage of lot coverage type variance. Mr. Bemer said Planning Commission does not necessarily address lot coverages or uses. They address detailed development plans. BZA can address both use and lot coverages with two different standards. What Mr. Bemer's memo identified was 1115.06 talks about lot coverage as an unnecessary hardship and that is not a use standard. He takes issue with this particular ordinance in this instance. Mr. Shepherd asked if the current plan would require a trip to the BZA. Mr. Bemer said that he concurs with that. There was close to a 50% deviation in the size of the lot that would be required for six units that were denominated in an R-2 i.e. 6,000 square feet per unit on a lot that is a little over 24,300 square feet.
- Mr. Shepherd would support referring it back to Planning and if its possible on the same trip back get input from the BZA that would be ideal.

- Mr. Sindelar does not understand why Planning is getting a second bite of the apple. Is it because of Council's concern or because of BZA concerns. Planning has already recommended it. Mr. Moran said there were some alterations made but it wasn't presented back to Planning.
- Mr. Bemer said that no Land Use Board has seen the updated plans.

Mr. Moran will refer this back to the Planning Commission for their review of the somewhat finalized copy of what has been updated and Council will wait for their review to come back to Council.

The Mayor asked Mr. Shepherd if he had shared a question with the Building Department. Mr. Shepherd said he has and that might be what prompted the April 24<sup>th</sup> revised plan. Mr. O'Donnell asked if the newer plans could be forwarded to Council.

**ORDINANCE NO. 30-19**

**BY: THOMAS J. HUNT**

Mr. Hunt said that this ordinance has been read once on April 22<sup>nd</sup>. Council has received an amended ordinance revising the amount of vehicles to be purchased to three and all be purchased out of the POPAS Fund not to exceed \$86,931.00. In the preceding ordinance, the total was not to exceed \$57,586.80 for two vehicles. Mr. Hunt moved to amend Ordinance No. 30-19 seconded by Mr. O'Donnell.

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

**PASSED**

**AMENDED ORDINANCE NO. 30-19**

**BY: THOMAS J. HUNT**

**AN AMENDED EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE THREE (3) 2019 FORD UTILITY POLICE CARS FOR THE POLICE DIVISION UNDER THE STATE COOPERATIVE PURCHASING ACT FROM LEBANON FORD AT A COST NOT TO EXCEED \$86,931.00**

**2<sup>nd</sup> READING**

This ordinance was discussed last week. These vehicles will be purchased out of the POPAS funds and Mr. Hunt anticipates passing this on the third read.

**NEW BUSINESS:**

**ORDINANCE NO. 31-19**

**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, 2019 AND TO AMEND AMENDED ORDINANCE NO. 75-18**

**1<sup>st</sup> READING**

Mr. O'Donnell said that this ordinance was discussed for the first time last week. This is to amend the budget ordinance. The bulk of the change relates to some overtime in the Fire Department for about \$40,000 and the corresponding change is the contribution to the Pension Fund. The other changes relate to what Mr. Hunt just discussed regarding the third police car decreasing the purchases in the equipment purchase for \$35,000 because it will be purchased out of POPAS funds. Mr. O'Donnell expects three full reads on this ordinance.

**ORDINANCE NO. 32-19**

**BY: JOHN B. SHEPHERD**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A LEASE AGREEMENT WITH BAYVIEW FINANCIAL GROUP, LLC FOR TEMPORARY HOUSING OF THE ADMINISTRATIVE OFFICES OF THE ROCKY RIVER POLICE DEPARTMENT AT THE WESTGATE PLAZA BUILDING**

## **1<sup>st</sup> READING**

This authorizes the Administration to enter into a two year lease at the Westgate Plaza Building. Mr. Shepherd looked at the questions proposed by Mr. Klym last week. There is an exclusion for pets for employment. Mr. Shepherd asked Mr. Bemer if he made it clear that the Police Dogs would be in the building and Mr. Bemer said yes. The other concern was regarding the landlord's access. Mr. Bemer said that the landlord will have to understand that there is security there and they would not be able to breach that security. Mr. Shepherd asked about the option to renew. Mr. Shepherd said that some of the blanks in that section would need to be filled out. Mr. Bemer said that the term has not been determined yet as there is not an exact date for everyone to move forward. The other options were reviewed and are more costly. Mr. Shepherd does not have any issues with this lease.

**ORDINANCE NO. 33-19** **BY: BRIAN J. SINDELAR**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2020 INTERNATIONAL SINGLE & TANDEM AXLE CAB AND CHASSIS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT NO. 18 FROM VALLEY FREIGHTLINER, INC., AT A COST NOT TO EXCEED \$128,726.00**  
**1<sup>st</sup> READING**

Mr. Sindelar said this vehicle will be replacing a 1998 semi-truck vehicle. This one will be more modern including disc brakes that are state of the art and it is also an automatic. This will enable the truck to handle muddy terrain when delivering solid waste to the landfill. This was included in the budget. This will have two more reads.

**ORDINANCE NO. 34-19** **BY: DAVID W. FURRY**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA COUNTY BOARD OF HEALTH AND THE CITY OF ROCKY RIVER FOR PHASE II STORMWATER SERVICES FOR 2019, 2020, AND 2021, ATTACHED HERETO AS EXHIBIT "A"**  
**1<sup>st</sup> READING**

Mr. Furry said that this ordinance is a Memorandum of Understanding for the Mayor to enter with the Cuyahoga County Board of Health. This is separate from the main agreement that provides services. This allows their technicians to take samples at the storm sewer outfalls and test the results. There is an \$80.00 increase totaling \$2,612.00 annually. This is a three-year agreement and Mr. Furry anticipates three full reads.

**ORDINANCE NO. 35-19** **BY: THOMAS J. HUNT**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN CUYAHOGA COUNTY'S MASS NOTIFICATION SYSTEM AND THE CITY OF ROCKY RIVER REGARDING THE "READY NOTIFY" MASS NOTIFICATION SYSTEM, ATTACHED HERETO AS EXHIBIT "A"**  
**1<sup>st</sup> READING**

This ordinance was discussed briefly last week. Mr. Hunt said this will have three full reads and there will be more discussion at next week's Committee-of-the-Whole Meeting.

**ORDINANCE NO. 36-19** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF**  
**COUNCILMEMBERS OF THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING**  
**JANUARY 1, 2020 AND ENDING DECEMBER 31, 2021**  
**1<sup>st</sup> READING**

This ordinance is for the elected Councilmember's compensation. The compensation moves from \$12,000 to \$12,500 beginning January 1, 2020 and ending December 31, 2021.

**ORDINANCE NO. 37-19** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE PRESIDENT OF**  
**COUNCIL OF THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING JANUARY 1, 2020**  
**AND ENDING DECEMBER 31, 2021**  
**1<sup>st</sup> READING**

This ordinance is for the elected Council President's compensation. The compensation moves from \$13,500 to \$14,000, an increase of \$500 beginning January 1, 2020 and ending December 31, 2021.

**ORDINANCE NO. 38-19** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE DIRECTOR OF**  
**LAW FOR THE YEARS COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2021**  
**1<sup>st</sup> READING**

This ordinance is for the elected Law Director's compensation. The compensation increases \$1,500 beginning January 1, 2020 and ending December 31, 2021. The compensation stays the same for all the other dollars per hour.

**ORDINANCE NO. 39-19** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE MAYOR OF**  
**THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING JANUARY 1, 2020 AND ENDING**  
**DECEMBER 31, 2021**  
**1<sup>st</sup> READING**

This ordinance is for the elected Mayor's compensation. The compensation increases by \$4,525 beginning January 1, 2020 and ending December 31, 2021. This keeps in position for the responsibility for the role of Mayor and the role of the Economic Development Position. This keeps in line with what has been done for the rest of the city's employees. These ordinances will be discussed further at the Committee-of-the-Whole Meeting next week.

**CONSENT AGENDA:**

**ORDINANCE NO. 26-19** **BY: MICHAEL P. O'DONNELL**  
**AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF**  
**CLEVELAND, DIVISION OF WATER FOR WATER METER READINGS NEEDED BY THE CITY OF**  
**ROCKY RIVER IN THE AMOUNT OF \$34,108.08, AS FURTHER DESCRIBED IN THE ATTACHED**  
**EXHIBIT "A"**  
**3<sup>rd</sup> READING**

This has been discussed since early April. This is an annual ordinance to pay the City of Cleveland Water Division \$34,108 for water readings used for the calculation of City sewer billing. Mr. O'Donnell has not had any questions regarding this ordinance.

**RESOLUTION NO. 27-19**

**BY: MICHAEL P. O'DONNELL**

**A RESOLUTION AUTHORIZING THE CERTIFICATION OF UNPAID PROPERTY MAINTENANCE COSTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"**

**3<sup>rd</sup> READING**

This resolution has been read three times and discussed for several weeks. This is an annual ordinance and is a special assessment that is to be added on to the tax duplicate for two different residents of the City who were cited for various property maintenance violations. The city had advised property owners to perform certain work on their properties, but the work was not performed. The city then had to complete the work and bill the owners. This amount is a little less than \$1,800.00.

**ORDINANCE NO. 28-19**

**BY: JOHN B. SHEPHERD**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH AECOM TECHNICAL SERVICES FOR THE RIVERDALE DRIVE SLOPE SUPPRESSION AND WIDENING PROJECT IN AN AMOUNT NOT TO EXCEED \$128,111.00**

**3<sup>rd</sup> READING**

This agreement will provide the technical and engineering services to stabilize the road surface and widen Riverdale to two lanes. This has been fully vetted through three readings and committee meetings without objection.

**ORDINANCE NO. 29-19**

**BY: THOMAS J. HUNT**

**AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTNG THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO ACCEPT A GRANT UP TO \$30,000.00 FOR THE OPERATION OF THE MARINE PATROL FOR THE YEAR 2019, AND AS FURTHER DESCRIBED IN THE ATTACHED AWARD LETTER**

**3<sup>rd</sup> READING**

Council should be familiar with this ordinance, as it has been discussed for several weeks and is a yearly ordinance for the last several years. This is accepting grant money in the amount of \$30,000 from the state ODNR to operate the Marine Patrol Boat from Memorial Day through Labor Day on all weekends. This has been vetted on multiple occasions and discussions. The City of Rocky River is responsible to pay \$10,000 of the budget.

Moved by Mr. Moran, seconded by Mr. O'Donnell that Ordinance Nos. 26-19, 28-19, 29-19 and Resolution No. 27-19 of the Consent Agenda be passed as read.

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

**PASSED**

**MISCELLANEOUS BUSINESS: NONE**

**PUBLIC COMMENT:** Mr. Michael Poretsky, 831 Morewood Court, discussed the ingress/egress to his development. Several people have been out to the property and he has also met with Law Director Bemer and Building Commissioner Reich to address the ingress/egress structural problems with the street and island itself and is moving forward with that. Safety Director Costello, Chief Stillman and the Building Commissioner have issued an opinion of support on the left hand turn out. Mr. Poretsky is bringing the issue to Council.

Mr. Moran stated that Council has been made aware of this issue.

Mr. Bemer thanked Mr. Poretsky. Mr. Bemer discussed with a couple of Council members as well as the administration that the safety of the streets is an administrative decision and under their direction, primarily under the Safety Service Director and the Chief of Police. Based on their signing off, saying no substantial traffic hazards or safety regarding the left hand out of the development, it is Mr. Bemer's opinion that City Council need not make any particular finding in this instance if it is an administrative decision.

Mr. O'Donnell has been fairly close to the situation. He has spoken with residents on both sides and thinks it is more of an administrative decision rather than have City Council weigh in on traffic signs and things like that. Mr. O'Donnell hopes that the resident can work this out and get along. One of the questions Mr. O'Donnell was asked is would it be ok if they had some sort of civil engineering report regarding if there is a safety issue there or not. Director Costello re-reviewed the Traffic Study of June, 2016 before her recommendation memo. She feels that her recommendation is in line with the study from TMS, a well respected Traffic Engineering Company.

The Mayor added that the administration is reviewing this. One issue remains that the driveway apron will need to be modified and changed. It will need to be rebuilt. Mr. Poretsky said he has received a letter from Commissioner Reich with approval to cut out the existing curb that would prevent a left turn and that is proceeding. The Mayor thought that was for the median that is there. The Mayor will review this with Mr. Reich. If this needs to go to any of the Boards or Commissions for modifications, the city will do that. Mr. Poretsky said the work has already begun. The Mayor is aware of one modification that was required at the time the development was built. That work was not completed or discussed during the Planning Commission meetings, etc. That modification was made and earlier this year that came out. The Mayor will review this and will be in communication.

Mr. Hunt said he does not know why Council was never considered. Council discussed this at length when the project came before Council. There were specific conditions that were put on before this body and what was required of the Developer. He is asking if Council did not have authority, why did Council spend so much time on this earlier. Mr. Sindelar concurs with Mr. Hunt and wonders where these suggestions were that this was not worthwhile. There was not any push back at that time regarding this resolution. The Mayor said it was seeing a decision operationalized.

Mr. Moran said that it was almost like a Development Agreement. There was a question about how the development was going in and other issues regarding the access to the sewer. Mr. Sindelar said that there was a group of people in attendance that were worried about the dangers. But there was not much push back. If Council does not have the authority, why did council ever entertain it. Mr. Furry said it seemed like a great compromise at the time.

Mr. Bemer said he read all the minutes. There was a lot of testimony in particular about traffic studies. There was no recommendation from anyone to eliminate the exit from the development by not allowing a left hand turn. When it came to City Council upon the recommendation from the Planning Commission, the Developer recommended that there would not be any left hand turns anywhere. The easement was approved but not on condition with that particular statement, according to the minutes. Council had a recommendation made by the Developer in order to get the deal done. That is Mr. Bemer's assessment. The three families have come forward to say that this is not a necessary proposition and it is causing more distress for the neighbor across the street who continues to back out of their driveway. In their opinion that creates a much higher safety hazard than turning left out of their development. It is one of those things that you have a bad law, try to enforce it and it ends up with more problems. Based on discussion with Morewood Court people and who should chime in, that is when it came to the Building Commissioner first and then the Safety Service Director and Police Chief and then Mr. Bemer had everything forwarded to City Council.

The Mayor asked if anyone has talked with the neighbor across the street explaining the issues. Mr. Sindelar would like a conversation with the neighbors across the street and the neighbors who attended the previous meetings so they are aware of what is going on.

**Mr. Kevin Norman, 833 Morewood Court,** has lived there one year and one week. He has a good relationship with his neighbors to the south. The neighbor across the street has sent the police to his house and he has filmed his family for a year. There is a traffic detail in front of his house two days a week. His wife was cited and went to court. He is trying to do things the right way. He did agree to this, but he did not agree to it forever. Everyone has bent over backwards to make nice with the neighbors. Development is a good thing.

The Mayor confirmed that the discussion is about a left turn out only with still a prohibition of a left turn in. There had been an accident in this area in the past. Residents need to be extremely careful. There are three such grade crossings, at Elmwood, Wagar and at Morewood Parkway. As recently as today, the Mayor received a phone call from the Ohio Rail Development Commission asking if the city would like to close the grade crossing at Morewood to establish a quiet zone. The Mayor said that if the crossing was closed there would not be a pedestrian crossing either. The Mayor said that was not possible. Any of those grade crossings would be very difficult to close.

Mr. Shepherd added that he has mixed feelings about this. He hears the rationale for this and it makes sense. To a certain extent the ruling you have made, Andy, has taken it off of Council's back because it might be the right decision and Council would not have to answer for reversing the decision. He does think going forward though, that going through the process and Council reaches a compromise or agreement, Council should have the right to expect that decision to be enforced and that it comes back to Council if it is not going to be enforced. Mr. Shepherd feels strongly about that. Mr. Bemer said it was the intent to bring it back to Council. The point of discussing it, the people involved in the discussion thought to make it an administrative safety decision. Mr. Sindelar said that part of him voting yes for the easement was based upon this compromise and Council should have the opportunity to revisit it to some extent.

As there was no further business by members of Council, the meeting was adjourned at 8:28 p.m.

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James W. Moran  
President of Council

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Susan G. Pease  
Clerk of Council