

CITY OF ROCKY RIVER

February 25, 2019

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. O’Donnell, Mr. Furry
Mr. Sindelar, Mr. Klym, Mr. Moran

Absent: Mr. Shepherd

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

Assistant Law Director: Mr. O’Shea

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 February 11th be waived and that the minutes be accepted as submitted.

Vote: Hunt – abstain	O’Donnell – aye	Furry – aye	
Sindelar – aye	Klym – aye	Moran – aye	
5 ayes	1 abstain	0 nays	PASSED

MAYOR’S REPORT:

The Mayor thanked the Councilmembers who attended last Tuesday’s Cuyahoga County Solid Waste District Public Meeting at the Rocky River Public Library. The Mayor said it was a very good presentation and if anyone would like to review the presentation, the city could obtain the power point. Diane Bickett did a terrific job explaining why this plan exists, how the County follows it and the importance of the plan throughout the County. The Mayor especially thanked Council President Moran, Councilman Shepherd and Councilman Furry, the chair of the Environment Committee for attending. There was also representation from Fairview Park and Lakewood City Council. The County will be moving ahead with the ratification of this plan.

The Mayor announced that the city heard from the Cuyahoga County Solid Waste District that Rocky River is receiving a \$5,000 grant for recycling education materials as well as a shredding date in the city. Congratulations to Director Costello and Shelley Sollars who submitted the grant proposal.

The Community Emergency Response Team kick-off was last week. Director Costello and the Mayor attended and said a few words of support to the new cadets. There will be several weeks of training with graduation towards the end of March. There are 29 new individuals going through this training with 13 individuals representing Rocky River. The Mayor appreciates the participation of Rocky River residents along with all the residents of the West Shore. Recently the Mayor called on CERT during the Dominion Gas issue. The Mayor continues to receive emails and letters from residents who were very pleased with the mobilization of the CERT team and the information that they provided. A big thank you to Julie Morron from the Rocky River Police Department, who heads up this program for the West Shore.

Rocky River had some power outages over the weekend due to the high winds. A tree came down and fell on a garage causing the Rocky River Library to lose power along with homes in that area. The power came back on around 7:00. Karen Kirsh, the First Energy Representative said that in the past 24 hours there were 125,000 customers across northeast Ohio without power. More than 100,000 had been restored by 11:00 am this morning. First Energy will continue to work on these outages. The Mayor appreciates First Energy's responsiveness to Rocky River. The tree trimming work that Commissioner Snyder has been doing with his crew as the city's arborist and now the Service Commissioner has really been helpful for the city to manage the windstorms effectively.

The Mayor has forwarded a Proclamation to the Community Coalition and the Community Challenge regarding the 14th year of "Family Game Week". This week is all about unplugging and spending time with family and friends without electronics. The Mayor wishes the Community Coalition and Community Challenge well and joins with the School District in providing this proclamation so that everyone in the community gives recognition to this important effort.

Congratulations to Jeff Gallatin and the whole staff at the West Life for being named "Newspaper of the Year" by the Ohio News Media Association. The West Life received more than a dozen awards complimenting this significant accomplishment. The city extends its congratulations and thanks for their coverage of this community. The competition features about 70 local newspapers from across the state so it is significant accomplishment.

ASSISTANT LAW DIRECTOR'S REPORT: NONE

COMMITTEE REPORTS: Parks, Recreation and Health: Councilman Klym said that the Parks and Recreation Committee met on February 14th. The Parks and Recreation Committee meet every second Thursday of the month at 7:45 am at the Hamilton Ice Rink.

- The committee did vote on a small increase for the Summer Day Camp fees. Also new is parents will be able to register their children for one-week sessions at a time. This will help with vacation issues.
- There will be increases in youth hockey fees next year. There have been changes in the fee structure of USA Hockey that requires these changes. An ordinance regarding this will come to Council in the next few weeks.
- Another ordinance will come to Council regarding the by-annual increase for the outdoor pool fees. There are some modest increases being recommended by the commission along with one small decrease.
- Mr. Klym said that the Recreation Center has done a nice job with the Silver Sneakers Program over the years and the revenue from that continues to increase. There have been some challenges with the addition of other programs from AARP, Renew and a number of others because of the success of Silver Sneakers. The seniors are not sure what program they should be a part of; and with one of the new programs, seniors need to come a certain amount of times per month to receive reimbursement. This has presented some challenges. There are about 100 memberships that need to be tracked regarding how many times the seniors attend the Recreation Center per month. The staff has stepped up to the plate and are working very hard to continue the contact with members that are affected. The same issue exists at the Senior Center for some of the programs as well.

Planning, Zoning and Economic Development Committee: Mr. Moran said that there was a Planning Meeting on Thursday, February 20th. There were two items on the agenda regarding Center Ridge Road. The Airko Building across from the Burger King on Center Ridge Road will become a Hair and Nail Salon. There has been an issue of parking at this location. This was a pre-preliminary meeting and was not finalized. The second agenda item was regarding the facility at the old Executive Club site. The carwash has been pulled and Raising Cains Chicken, which will be a stand-alone building, will need to have their changes come before the residents. This pre-preliminary has also been extended.

- The Mayor added that the first agenda item Mr. Moran discussed is Tomorrow's Salon and the Mayor complimented them on reviewing the Master Plan and the TLCI Study in trying to match up their plans with these goals regarding the Airko Building. The front parking will be turned into green space, as has been indicated in the Master Plan and the TLCI Study. The parking opportunities below and behind the building will be helpful to Tomorrows. This is an example of the work the city tries to do with property and business owners to realize the vision that is reflected in the Master Plan and the TLCI Study. Mr. Moran said that Tomorrows has also gone through quite an outline with updating the building and improving the design.

COMMUNICATIONS AND ANNOUNCEMENTS: Mr. Moran also commented on the County Solid Waste District Meeting last Tuesday regarding the cost to the city for the solid waste and that it is much less than surrounding communities. Mr. Moran said that in southern Ohio the cost is a \$9.00 fee per load compared to \$1.50 currently being charged Rocky River. All the County Solid Waste work is completed with a staff of 6-7 with an additional person being added.

PUBLIC COMMENT: Mr. Robert McCrae, 19313 Shoreland, Rocky River, asked about the Heritage Home Program that was discussed at the December 10th Legislative Meeting to obtain low interest loans to restore homes. Mr. McCrae is asking Council to reconsider their decision and get the program restored in Rocky River. The cost to the city would be \$9,000. It provides residents the opportunity to receive a good loan and advocacy to help with decisions on their home 50 years or older. Mr. McCrae thinks the program will pay for itself with an increase of a property tax base.

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"

2nd READING

Mr. Moran said that the Planning Commission's Meeting minutes have been finalized and they have approved moving forward with this zoning change. Council will schedule a Public Hearing for this Ordinance on March 18, 2019. This is for the property of the Orthodox Church on Wooster Road, south of Center Ridge Road. The zoning change would be to go from a Public Facility to an R-2 Two Family Residential District. Mr. Moran has attended some of these meetings along with Councilman Shepherd. The outline is to turn this area into cluster homes at the curve on Wooster Road. The Planning Commission held a Public Hearing with some comments/questions from one of the neighbors.

- Mr. Klym has questions for the Law Director regarding the definitions of single-family attached homes and two-family homes and what is permitted between R-2 and R-3. Looking at the definitions, Mr. Klym does not understand how the proposed fits with an R-2 zoning. He will be asking for more clarification regarding this. Mr. Moran said that this development would be a total of six units.

RESOLUTION NO. 5-19

BY: DAVID W. FURRY

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT

3rd READING

Mr. Furry said that this has been discussed since mid-January. This is a fifteen-year plan with the resolution that is a process that the Cuyahoga County Solid Waste Management District and the Cuyahoga County Solid Waste

Policy Committee undertakes every five years as required by Ohio law. Previous resolutions 91-06 and 62-12 were passed by this legislative body. Mr. Furry asked for passage of Resolution No. 5-19, seconded by Mr. O'Donnell.

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

ORDINANCE NO. 6-19 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT TO PAY MACKAY ENGINEERING FOR INSPECTION FEES RELATED TO DOMINION EAST OHIO GAS MAIN WORK ON WAGAR ROAD IN THE CITY OF ROCKY RIVER
3rd READING

Mr. Moran said that the city needs to pay MacKay Engineering for inspection fees related to Dominion East Ohio Gas main work on Wagar Road. Dominion Energy has already reimbursed the city for this expense. Mr. Moran moved for passage of Ordinance No. 6-19, seconded by Mr. O'Donnell.

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

ORDINANCE NO. 7-19 **BY: DAVID W. FURRY**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION EDUCATION, ATTACHED HERETO AS EXHIBIT A
3rd READING

Mr. Furry said this is a renewal of previous ordinance 11-17 and is a joint cooperation of the Cuyahoga Soil and Water Conservation District and the City of Rocky River. This is related to the Municipal Separate Storm Water MS4 EPA Permit and is also related to the following Ordinance No. 8-19 at a cost of \$5,500. This ordinance is more for public information and public education and more specifically for the conservation of soil and water resources. \$5,500 it is not a major line item in the budget but it was in the budget and since it is a fellow governmental entity the city is providing full disclosure. Mr. Furry moved for passage of Ordinance No. 7-19, seconded by Mr. O'Donnell.

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

ORDINANCE NO. 8-19 **BY: DAVID W. FURRY**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION PREVENTION TECHNICAL ASSISTANCE ATTACHED HERETO AS EXHIBIT A
3rd READING

Mr. Furry said this is a companion piece to Ordinance No. 7-19. This is also related to the MS4 EPA permit. The Cuyahoga Soil and Water Conservation District providing technical assistance related to storm water pollution prevention on construction sites disturbing greater than 1 acre of total land. They can also provide assistance at the City's request for projects under an acre. This one is significantly more than No. 7-19 at \$11,330 a year but it

was also in the budget and since it is a fellow governmental entity the city is providing full disclosure. Mr. Furry moved for passage, seconded by Mr. O'Donnell.

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

ORDINANCE NO. 9-19 **BY: JOHN B. SHEPHERD**
AN 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 \$125,000.00 AS FURTHER DESCRIBED IN EXHIBIT A
3rd READING

Mr. Moran said that this is an annual street and sewer repair with Fabrizi Trucking & Paving Co. in the amount of \$125,000. This was put out to bid in 2011 and Fabrizi was the only bid. Fabrizi has offered to hold their pricing for every year since. Director Costello said Fabrizi does quality work. Mr. Moran moved for passage of Ordinance No. 9-19, seconded by Mr. Furry and Mr. O'Donnell.

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

ORDINANCE NO. 10-19 **BY: CHRISTOPHER J. KLYM**
AN ORDINANCE RATIFYING PAYMENT MADE TO TEMPEST INC. FOR PREVENTATIVE MAINTENANCE OF THE COMPRESSORS AT THE HAMILTON ICE ARENA FROM AUGUST 2018 THROUGH DECEMBER 2018 IN THE AMOUNT OF SEVEN THOUSAND FOUR HUNDRED SEVENTY-FIVE DOLLARS (\$7,475.00)
3rd READING

Mr. Klym said that this is an invoice that was paid inadvertently last year, before the purchase order had been approved to Tempest Inc. Tempest Inc. continues to provide work at the Hamilton Ice Rink to keep the chillers running. Mr. Klym moved for passage of Ordinance No. 10-19, seconded by Mr. Furry.

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

ORDINANCE NO. 14-19 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE SIX (6) CONTROLLER UNITS AND FOUR (4) GPS UNITS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT FROM BALDWIN & SOURS, INC. AT A COST NOT TO EXCEED \$17,530.00
2nd READING

Mr. Sindelar said this ordinance has been discussed several times and is for the purchase of six controller units and four GPS units for the Service Division through the State Cooperative Purchasing Program. This will help with the ease of efficiency for the signal department to handle the lights throughout the city. Mr. Sindelar will look for passage at the next Legislative Meeting.

ORDINANCE NO. 15-19

BY: JOHN P. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING AND PAVING COMPANY, INC. FOR THE 2019 WATER MAIN REPLACEMENT FOR ERIEWOOD, IN AN AMOUNT NOT TO EXCEED \$333,313.00

2nd READING

Mr. Moran said that this is a contract with Fabrizi for the water main replacement for the Eriewood project at a cost of \$333,313. This will be fully reimbursed by the City of Cleveland Water Department. The city received seven bids and Fabrizi was the low bidder and the bid was beneath the engineer’s estimate. This will be discussed further at next week’s Committee-of-the-Whole Meeting.

ORDINANCE NO. 16-19

BY: MICHAEL P. O’DONNELL

Mr. O’Donnell moved to amend Ordinance No. 16-19 to correct the date to December 2013 in the first whereas clause, seconded by Mr. Hunt.

Vote: Hunt – aye

O’Donnell – aye

Furry – aye

Sindelar – aye

Klym – aye

Moran – aye

6 ayes

0 nays

PASSED

AMENDED ORDINANCE NO. 16-19

BY: MICHAEL P. O’DONNELL

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF CLEVELAND DIVISION OF WATER FOR A REIMBURSEMENT FOR THE HAMPTON ROAD AND LAKEVIEW AVENUE WATER MAIN IMPROVEMENT PROJECT IN THE AMOUNT OF \$47,030.00

2nd READING

This has been discussed for a number of weeks. This is the second read and Mr. O’Donnell anticipates three reads. This ordinance involves the Hampton Road and Lakeview Avenue Water Main Improvement Project. The City of Rocky River was responsible to perform and oversee this work to the cost of \$338,200. The job came in under this budget by \$47,030 and the city needs to return the balance of the money to the City of Cleveland. This ordinance will allow the city to refund this money to the City of Cleveland.

ORDINANCE NO. 17-19

BY: MICHAEL P. O’DONNELL

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY MACKAY ENGINEERING & SURVEYING COMPANY THE SUM OF SEVENTY-TWO THOUSAND NINE HUNDRED AND TWENTY-SIX DOLLARS AND NINETY-FOUR CENTS (\$72,926.94) FOR WORK PERFORMED ON HILLIARD ROAD RESURFACING AND S. ISLAND/WOOSTER/RIVERDALE SANITARY SEWER WORK FOR THE CITY OF ROCKY RIVER

2nd READING

This has been discussed for a number of weeks and Mr. O’Donnell anticipates three reads. It is to pay for engineering services for multiple different projects throughout the city. The work was approved and in the budget and this ordinance pays the engineering costs for this project. \$39,214.78 will be paid from the Sewer Rehabilitation Professional Service Fund and \$33,712.16 will be paid from the Resurfacing Professional Services Fund.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 7:40 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council