

**CITY OF ROCKY RIVER**

**May 28, 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. Shepherd, Mr. O’Donnell, Mr. Furry,  
Mr. Klym (7:10), Mr. Moran

Absent: Mr. Sindelar

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. O’Donnell that the reading of the minutes of the Committee-of-the-Whole Meeting of May 20<sup>th</sup> be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Moran, seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of May 13<sup>th</sup> be waived and that the minutes be accepted as submitted.

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

**MAYOR’S REPORT:**

The Mayor thanked Council and the community for the outpouring of support for the veterans and military throughout the weekend as the city honored the fallen. On Saturday, 3,817 flags were placed at Lakewood Park Cemetery and it was a breath-taking site. Thank you to the Joint Veterans Council of Lakewood and Rocky River for organizing this event. Thank you also to the staff, grounds crew and the Board of Trustees at Lakewood Park Cemetery for bringing so much contentment to those those that visit there. The American Legion and it’s Auxiliary provided lunch following the placement of the flags. Many families and children participated. Thank you to the high school band, the Honor Guard and all the band parents that participated and showed the importance of Memorial Day to the youngest members of our community.

Sunday evening was the kick-off to the Summer Concert Series. Due to inclement weather, one hundred and forty members of the community gathered on the ice rink turf and enjoyed the concert. The high school Jazz band does a great job. Thank you also to Kirk Taylor, who will be retiring at the end of the school year for leading the students.

Last week the Play Readers performed “Seniors Go to New York City” to a full house every day.

Liam McKenna, a second grader at Goldwood School, was sworn in this morning as “Mayor of the Day”. The Mayor said that this young man did not miss one word of his “Oath of Office.” Liam wrote his first proclamation honoring his family, proclaiming today as the McKenna Family Day! He visited the Police and Fire Departments and rode in many vehicles with lights and sirens. A highlight for Liam was a private soccer lesson and a behind the scene tour of the Recreation Center and seeing the pool empty. Liam also rode in a refuse scooter, backing up to the largest Packard and dumped the scooter and then compacted the garbage. Liam served as a great reminder that the future is with our children. Liam was very poised, kind and a well-mannered Mayor.

The Mayor shared that the Cleveland Magazine is sending out their “Rating the Suburbs” Issue. The City of Rocky River is once again featured and the Mayor distributed the insert to Council. The Mayor is excited to announce that the City of Rocky River is ranked No. 4, so once again in the top 5!

There will be a Community Shredding Event this Saturday beginning at 9:00 a.m. The event will conclude at 12:00 noon or whenever the truck is full. Please limit material to two boxes.

The Mayor respectfully requested an Executive Session this evening under Article X, Section VI, Subsection III to discuss a pending legal matter.

- President Moran commented that along with the parade that took place on Monday, two awards were given. One award was to Mr. Kirk Taylor who has been very active as the bandleader along with presenting Mayor Bobst with a Certificate of Appreciation for all the work she has done in coordinating all the groups for the Memorial Day Event. The Mayor stated that it is an honor to serve them as they have served our country.

**ASSISTANT 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 week. There was an item on Lakeview that was approved and will be moving ahead with the house to be built. There was also a Planning Commission Meeting with a pre-preliminary with Preservation Partners. Preservation Partners brought in some new designs and new exterior designs. These have been sent to the Design and Review Board. There is still a lot of work to be done.

**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” POSTPONED INDEFINITELY**

Mr. Moran said that this ordinance is the request for a zoning change from a Public Facility to an R-2. As of last week, the Developer has decided to not move forward with this project and is pulling his request for this zoning change.

Mr. Moran moved to postpone indefinitely Ordinance No. 88-18, seconded by Mr. Furry.



**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**

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

Mr. O'Donnell said that this ordinance has been discussed for the last month. The bulk of the change relates to overtime in the Fire Department and the change in the contribution to the Pension Fund. The other change relates to the ordinance Mr. Hunt just passed regarding the third police car. The equipment fund will be increased due to the third vehicle being purchased out of POPAS funds. Mr. O'Donnell expects to seek passage in two weeks.

**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**

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

Mr. Shepherd will defer discussion on this lease until next week's meeting. The changes that he is anticipating on the cover ordinance is setting a limit on what the total rent charges can be. There is a minor change in the right of entry and the lease is in blank form and Mr. Shepherd would like to know if the blanks should be filled in. This will be amended at the next Legislative Meeting.

- The Mayor said that the amended cover sheet of the ordinance accurately reflects the not to exceed number for 24 months of the monthly rent and the cam charges in Section 2.

**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**

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

Mr. Moran said this vehicle will be replacing a 1998 semi-truck vehicle. This truck will handle delivering the solid waste to the landfill. This will have a third read in two weeks. The Mayor said that the longevity of these vehicles is a testament to the City's mechanics.

**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"**

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

Mr. Furry said that this ordinance has been discussed for the last three weeks. Mr. Furry will defer discussion until next week and will be seeking passage in two weeks.

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

Mr. Hunt said that this ordinance will be discussed further at next week's meeting. This Memorandum of Understanding is in regard to the Ready Notify from the County. The County has assumed all costs relating to the implementation training and maintenance of the system.

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

This ordinance is for the next term for the position of Council for compensation. The compensation moves from \$12,000 to \$12,500 beginning January 1, 2020 and ending December 31, 2021. This is a \$500.00 increase and the last raise was six years ago.

**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**  
**2<sup>nd</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**  
**2<sup>nd</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. Mr. Moran has a comparison outline if Council has any questions.

**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**  
**2<sup>nd</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 line with compensation comparisons with other cities and what has been done for the rest of the city's employees.

**NEW BUSINESS:**

**ORDINANCE NO. 40-19**

**BY: JOHN B. SHEPHERD**

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW A CONTRACT FOR ONE (1) YEAR FOR THE PURCHASE OF PRINTING SERVICES FOR THE CITY OF ROCKY RIVER FROM ADMIRAL PRODUCTS, INC. AS FURTHER DESCRIBED IN EXHIBIT "A"**

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

Admiral Products has been a very efficient and good vendor for the City of Rocky River for quite awhile. With this renewal, Admiral Products will hold their prices as they have held them since 2014. This has gone out to bid and the city has had trouble getting bids. The printing that needs to be done has decreased with the advent of the Internet but there are still printing needs.

- Mr. Klym said that he ran into someone who has a local printing business and they were asking about city printing. Mr. Klym mentioned that this was on the docket now and next year they would be interested in bidding. Mr. Klym will pass their information on to the Administration.

**ORDINANCE NO. 41-19**

**BY: BRIAN J. SINDELAR**

**AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2019 CHEVROLET MALIBU VEHICLE FOR THE SENIOR CENTER UNDER THE STATE COOPERATIVE PURCHASING ACT FROM GANLEY CHEVROLET OF AURORA LLC, AT A COST NOT TO EXCEED \$18,007.74**

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

This is for the replacement of a 2006 Impala, which will be put out for bid for sale. The purchase of a 2019 Chevy Malibu at \$18,077.14 for the Senior Center, from the State Cooperative Purchasing Contract, will be used for senior transportation. The seniors prefer the four-door sedan for their transport needs.

**ORDINANCE NO. 42-19**

**BY: BRIAN J. SINDELAR**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH LOGICALIS FOR THE CITY OF ROCKY RIVER NETWORK UPGRADE OF FIREWALL, SWITCHES, WIRELESS ACCESS POINTS AND SECURITY CAMERAS, IN AN AMOUNT NOT TO EXCEED \$159,943.06**

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

Mr. Moran said that this was discussed last week. Mr. Grau will attend next week's meeting to answer any questions Council may have.

**ORDINANCE NO. 43-19**

**BY: JOHN B. SHEPHERD**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A SERVICE AGREEMENT WITH WESTLAND HEATING AND AIR CONDITIONING FOR MAINTENANCE OF THE DECTRON POOL DEHUMIDIFICATION SYSTEM AT A COST NOT TO EXCEED \$20,000**

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

Mr. Shepherd said that this company has a lot of experience and knowledge about this particular piece of equipment. The quote does not mandate any particular projects but sets an hourly rate for work of \$86.00 per hour. It will be used as needed for emergency repairs and routine maintenance such as filters, belt changes, remote condenser, coil chemical cleaning, lubrication of bearings and linkages, seasonal checks of the cycles for cooling, etc. This will have three full reads.

- The Mayor added that the Dectron Unit is the large piping with the fabric around it. It only exists at the indoor pool.

**MOTION:**

Moved by Mr. O'Donnell seconded by Mr. Hunt that the 72-hour notification rule be waived and that Ordinance Nos. 44-19 and 45-19 be considered on this evening's agenda.

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

**ORDINANCE NO. 44-19** **BY: MICHAEL P. O'DONNELL**  
**AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY OR REIMBURSE THE CITY FOR ALL OR A PORTION THE COSTS OF CONSTRUCTING, EQUIPPING, FURNISHING AND OTHERWISE IMPROVING A NEW POLICE FACILITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO**

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

This ordinance, as the city moves forward with the construction of the new Police Department, will permit the city to use bond financing not to exceed \$6,000,000. The administration is comfortable with this amount and feels it is more than will be needed. Mr. O'Donnell anticipates three full reads and he will have more information and details for next week's meeting.

- Mr. Klym asked if the balance will be covered out of the City's General Funds. The Mayor said yes, that it will be covered out of either the Budget Stabilization Fund or the Capital Income Tax Fund and the total cost will be less than \$10,000,000.

**ORDINANCE NO. 45-19** **BY: MICHAEL P. O'DONNELL**  
**AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A PRINCIPAL AMOUNT NOT TO EXCEED \$750,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY OR REIMBURSE THE CITY, TOGETHER WITH OTHER AVAILABLE FUNDS, FOR A PORTION OF THE COSTS OF ACQUIRING AND EQUIPPING A NEW LADDER FIRE TRUCK, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO**

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

Much like the last ordinance, this permits the city to obtain bond financing to help pay for the new Ladder Truck in an amount not to exceed \$750,000. The administration is comfortable with this amount and will pay the balance out of the city's current budget. The city also looks forward to receiving insurance proceeds as soon as litigation ends. Mr. O'Donnell expects three full reads on these last two ordinances.

- Mr. Shepherd asked why the bonds are at a 5% and the notes are an interest rate not to exceed 4%. Director Thomas said that this is a maximum estimated rate. The city will issue at a rate the market allows, but it is not exceed this amount. The market rates are not at this level now. They are close to 3% for a one-year note. This is to give some guidelines as to what the maximum amount interest rate will issue on. Director Thomas said that this is a 12-month note that will be either paid off in a year or refinance it with a bond.

- Mr. Furry asked why the city would be reimbursing itself when this money has been appropriated for the fire truck. Director Thomas said that is not necessarily the case. This revenue has not been realized yet. The city has incurred some costs and there could be an opportunity to reimburse the city.

Mr. O'Donnell said these are high dollar issues. These deserve Council's attention and deserve to be vetted and over the course of the next month and a half, Council will be able to do that.

#### **MISCELLANEOUS BUSINESS: NONE**

**PUBLIC COMMENT: Ms. Kathy Myers, 22120 Beachwood Dr.**, was encouraged to attend this evening's meeting by Councilman Hunt who she spoke with last week. She would like to address an issue that is becoming more prevalent in the Beachwood II area of Rocky River. The issue is the high volume of flipping houses that is currently going on. There are two other neighbors, John and Chris who are adjacent to a flip house on Maplewood, who are here for support. The person that is doing the flipping is Dave Fredecker. Ms. Myers stated that according to Pat Nugent, Dave Fredecker has flipped 13 homes in less than three years all primarily within Beachcliff II, Maplewood and one on Aberdeen. Ms. Myers said she heard that there are two lawsuits against Mr. Fredecker and there may be others. The impact on the neighbors is a nightmare. There is no respect for property or cleaning up. There is a Flipper Neighbor Facebook and Ms. Myers shared a quote from that page: "the real problem is the condition of the site, abuse of neighbors and willful violation of codes including property setbacks and workday times." Mr. Fredecker pushes the limits. There are no boundaries and he goes in all directions and is minimally inspected, if at all.

- The Mayor explained to Council that he purchases the homes, he serves as the owner and an owner has a different position than a contractor or a flipper and that is where these issues are coming from.

Ms. Myers said that Mr. Nugent said that all of the building permits are submitted as he is the homeowner and the contractor and falls under less inspections (**Post meeting clarification per Commissioner Reich: The code allows for a homeowner to act as their own general contractor and even their own trade but any and all work must still be permitted and inspected, in this case under the 2013 Ohio Residential Code**). The property next to her had a drainage problem into their garage. The previous homeowner complained about it. Mr. Fredecker laid a new drive in April and the new drive pitches up 8.5 inches halfway and then down and the water is coming to her basement windows. She is still waiting to hear an answer from the Building Inspector or Director Bemer. Ms. Myers said that someone gave her wise council that when trying to get something done in a small city government, the more people that are aware of the issue and what you are trying to get done, the better position you are in.

**Mrs. Deborah Connelly, 21160 Beachwood Dr.**, said that she is dealing with many of the same issues. Hers began when the construction starting without waiting the allotted amount of time from the posting of the building permit. Last September, the house was gutted, with all windows and doors being removed and the porch was torn off, leaving holes. By Halloween it was still wide open with the addition of 8 foot deep ditches around the home for waterproofing. They were also digging 8-9 feet down and dug up the root base of a very large tree that was 100-150 feet tall. She asked that the tree be taken down before it fell into their house. Their daughter no longer was able to sleep on the third floor and slept on the couch on the first floor. Then there was a disagreement as to who would take the tree down. Power was knocked out during the process as well. The ditches need to be covered for Halloween. There is garbage all over. There is no respect for either neighbor. There are nails, mud, garbage and pieces of siding all over her driveway. Mr. Fredecker has never introduced himself to either neighbor or discussed the work he planned on doing. The subcontractors swear very loudly and they do not seem to have respect for Mr. Fredecker. For about three months there was equipment parked all over the front lawn. Mrs. Connelly said that ordinances are not followed. Shrubbery and dirt were used to backfill around the house when the contractors ran out of stone. This weekend, on Sunday morning there were workers trenching a line in the backyard beginning at 8:30 a.m. She called the police and the police stopped them until

10:00 a.m. The contractors began swearing again because they had to pay for the extra hour of rental for the equipment. The police said they could begin again at 10 because they are the homeowner. On Monday morning, another contractor showed up and used a table saw on the front lawn. It just goes on and on and on. The yelling, the swearing, the disrespect and the mess is what really did it for her.

Mr. Moran stated he is glad that she called police. Each time a call is made, a report is filed. Mrs. Connelly also said that a patio was poured in the back that is 8-10 inches above the grade so it will pitch off to their property. Pieces of her fence between the two properties have also been broken.

Mr. Moran thanked Mrs. Connelly and Ms. Myers for attending this evening's meeting. Council will discuss this with the Building Commissioner and Mr. Nugent and will look into the issues you have described.

Mr. O'Shea stated that if they think anybody in their family is being intimidated verbally or in any way directly or indirectly, please call the police. Keep in contact with Mr. O'Shea. This behavior is unacceptable.

Mrs. Connelly gave photographs to Council and will also send them electronically.

The Mayor added that there is a home on Maplewood that the Building Commissioner has been aware of regarding a similar situation.

**MOTION:**

Moved by Mr. Moran, seconded by Mr. O'Donnell, that an Executive Session under Article X, Section VI, Subsection III be held before the end of this meeting to discuss a pending legal matter.

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

As there was no further business by members of Council, the meeting was adjourned at 8:55 p.m.

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James W. Moran  
President of Council

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Susan G. Pease  
Clerk of Council