

Councilwoman Frankie Goldberg interrupted the presentation to inform Mayor Rothschild that there were approximately twenty-five (25) people downstairs that should be allowed to attend the meeting. Ms. Goldberg stated the meeting could be moved to Green Road Synagogue, which would accommodate the overflow capacity. Law Director Kenneth J. Fisher advised that the meeting location could not be changed without compliance to public notice requirements. Ms. Goldberg then suggested that the date of the meeting be changed to a date and place where space considerations would not be an issue. Mr. Fisher stated that space is limited to 104 individuals, but since the meeting had begun he asked for sentiments from the Board members.

Mr. Jaffe stated that he was reluctant to hold a meeting without those who want to be part of the process, whether to speak or just to listen, and a facility had not been made available to them. Mr. Fisher stated that it would have been more appropriate to raise the objection before the meeting started.

Mayor Rothschild suggested that since another presentation will be given at the Council meeting which was scheduled to begin at 7:30 p.m. following this Board of Zoning Appeals meeting, perhaps the people who heard the first presentation would give up their seats to the people who were not able to hear the first presentation.

Mr. Cozzens stated that he is not comfortable with some resident not being included in the proceedings and indicated that he would be willing to defer the meeting due to the inadequacy of the facilities.

Mrs. Rivers stated that she would be willing to attend another meeting because she wants all the citizens who are interested in the project to be able to attend the meeting.

Fire Chief John Pitchler verified that twenty-five (25) people were outside and there was indication that more were coming. Chief Pitchler stated that he could not override the fire regulations to let the individuals in the meeting.

MOTION BY MR. JAFFE, SECONDED BY MR. COZZENS to adjourn this meeting to a time and place to be determined that is large enough to accommodate all interested parties as soon as possible.

Mr. Fisher stated that if the meeting is rescheduled it should be a location within the city. Mr. Bernardo offered John Carroll University.

Mr. Goldman stated that Waterway is willing to accommodate the City and its citizens because they want to be good neighbors. He added that they would work cooperatively to get an appropriate date.

Mr. Fisher stated that the site plan approval for Waterway, which was before the City Council at its 7:30 p.m. meeting, will be tabled as well. He explained that the Council cannot vote on the site plan recommendation from the January 14, 2008 Planning Commission meeting until the determination is made one way or another by the Board of Zoning Appeals as to whether the use is permitted by Special Permit.

Mrs. Rivers inquired if Waterway met with the neighbors regarding its project. Mr. Goldman stated that a meeting was held with the neighbors on January 29, 2008 at the University Heights Public Library. He noted that 150 notices were hand-delivered in the residential district, council members were e-mailed and a notice issued to the Sun Press. Mr. Goldman noted that approximately 15 people came to the meeting.

Mr. Zucker stated that it would be burdensome to change the meeting since everyone was present. He added that numerous emails have been received expressing the sentiment of the community. Mr. Cozzens stated that the residents have a right to be heard. Mr. Fisher also stated that public has a right to be present.

Roll call on the motion to adjourn, all voted "aye," except Mr. Zucker, who voted "no."

There being no further business to discuss, the meeting was adjourned to a date, time and place to be determined.

Beryl E. Rothschild, Mayor

Nancy E. English, MMC