Mayor Infeld called the regular meeting to order at 7:30 p.m.

Roll Call:  
Present:  Ms. Frankie B. Goldberg  
Mr. Steven D. Bullock  
Mr. Kevin Patrick Murphy (not at roll call)  
Mr. Frank Consolo  
Mr. Steven Sims  
Mr. Philip Ertel  
Mrs. Susan D. Pardee  

Also Present:  Clerk of Council Nancy E. English  
Law Director Kenneth J. Fisher  
Finance Director Jennifer Esarey  
Chief of Police Steven Hammett  
Fire Chief John Pitchler  
Building Commissioner David Menn  
Service Director Robert Jamieson  
City Engineer Joseph R. Ciuni  

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to excuse the absence of Mr. Murphy. On roll call, all voted “aye.”

Pledge of Allegiance

Minutes of the regular meeting held on June 20, 2011

Mayor Infeld noted several corrections and additions as highlighted in the minutes of June 20, 2011.

MOTION BY MS. GOLDBERG, SECONDED BY MR. CONSOLO to approve the minutes of June 20, 2011 as amended. On roll call, all voted “aye,” except Mr. Sims, who “passed.”

Comments from the Audience

There were no comments from the audience.

Reports and Communications from the Mayor and the taking of action:

Mayor Infeld reported on several items:

The Semi-Annual Statistical Report from the Cuyahoga County Board of Health for activities that have taken place in University Heights for the period of January 1, 2011 through June 30, 2011 was distributed to the Council.

The County Executive has presented an anti-pouching proposal to the Mayors of Cuyahoga County. The Mayors of the First Suburbs have been working on the proposal as it relates to the First Suburbs communities and are close to finalizing acceptable language. The proposal will be shared with the Council after the Mayors have finished their review.

Councilman Sims inquired if the anti-pouching proposal applies to University Heights since the City does not offer incentives. Mayor Infeld replied that it applies to all cities in the county. It is the intent of the County Executive to have the Mayors of all communities sign the proposal with the understanding that they will not directly approach businesses in other community with any kind of incentive.

Law Director Kenneth J. Fisher stated that the ant-poaching agreement with the Cleveland Water Department includes not only the City of Cleveland, but every other community that signed the new service agreement with Cleveland Water. He added that separate from incentives, if a business would leave University Heights for Cleveland, as long as the payroll is $500,000 or more, University Heights would get one-half of what it was getting for a period of five (5) years.
Congratulations was extended to John Carroll University (JCU) for its recent recognition in U.S. News & Reports annual best colleges guide for being named a top ten university for the twenty-third consecutive year. JCU ranked number seven among the universities in the mid-west offering masters program, ranked fourth in the great schools, great prices category, and ranked number one for strong commitment to undergraduate teaching.

Mayor Infeld displayed vegetables and herbs from her space at the Community Garden on Taylor Road. The garden spaces are $20 each.

Councilman Murphy entered the meeting at 7:18 p.m.

Agenda Items:

A. Planning Commission Recommendation:
Pursuant to Ordinance No. 2011-38, the Planning Commission shall investigate, review and consider conditions 7, 8, 9, 10, 15, 16, 21 and 28 of the September 23, 2002 City Council motion approving use of John Carroll University’s Don Shula Stadium and make recommendations to Council concerning the elimination and/or modification of these conditions and/or the creation of new conditions as provided therein. (Tabled on 9/6/2011 to hear from Musco Lighting and Paladin Professional Sound)

This item was tabled on September 6, 2011 to hear from representatives of Musco Lighting and Paladin Professional Sound to determine the best available technology in terms of lighting and sound, the cost of a new lighting and sound system and/or modifications to the lighting and sound system.

The Planning Commission’s recommendation as presented at its meeting held on August 25, 2011 follows:

“MOTION BY MR. REICHEK, SECONDED BY MR. LOEFFLER to recommend to City Council the approval of John Carroll University’s request to modify conditions 7, 8 and 9 of the September 23, 2002 City Council motion approving use of John Carroll University’s Don Shula Stadium to:

1) allow John Carroll University student intramural sport activities, club sport activities, and practices to be extended from 9:00 p.m. to 10:30 p.m. seven days per week with maximum use of the lights at 30 foot candles and no audio;

2) authorize stadium use for John Carroll University and non-John Carroll University varsity sporting events until 10:30 p.m. with use of the sound system and lights at 75 foot candles for varsity sports upon advanced notice to the City;

3) all other conditions of the 2002 motion shall remain in full force and effect.

The City Engineer shall determine based upon light meter analysis and testing that John Carroll University has complied with the original specifications of the Musco Lighting plan as submitted and approved in regard to the light spillover at the property line. On roll call, all voted “aye,” except for Ms. Goldberg, who voted ‘nay.’”

Dora Pruce, director of Government and Community Relations, John Carroll University, reviewed the handout presented to the Council which included: aerial photo of campus from 1935, present day photo of the neighborhood, same present day photo with an overlay of the original 1931 site plan, and images of peer institutions Baldwin Wallace College, Case Western Reserve University and Wittenberg University with nearby residential areas highlighted in yellow.

Tonya Strong-Charles, director of Media Relations and Communications, John Carroll University summarized the request of John Carroll University. The request included: use of lights until 11:00 p.m. for student recreational use including club sport practices and intramurals with lower level lighting and no use of the public address system; use of the stadium for non-JCU events, including high school contests with advanced notice to the City; use of the stadium for JCU night events with use of the public address system with advanced notice to the City.
Ms. Strong-Charles commented on the August 23, 2011 letter of support from Daniel T. Dutcher, Vice President for NCAA Division III, which addresses Division III sports, the university’s request, and relevant details on the benefits, needs and obstacles that the current restrictions have on John Carroll University, its students and the community’s best interest. She noted that in his letter Mr. Dutcher stated, “The Division III Philosophy Statement calls on schools to, “maximize the number and variety of athletics opportunities for their students,” and to “provide all teams with adequate facilities, competent coaching and appropriate competitive opportunities.”

Ms. Strong-Charles stated that the Planning Commission recommendation limited use of the stadium until 10:30 p.m. as a compromise. She stated that although the Planning Commission’s recommendation allows for addition time, it does not fulfill the students needs. She added that the University’s initial proposal already represented a compromise from the first preference of a complete removal of the restrictions which is the standard of other Division III institutions such as Baldwin Wallace, Wittenberg and Case Western Reserve, which have no restrictions. Ms. Strong-Charles reiterated that the University limited the request to only what was minimally needed, operation until 11:00 p.m. She clarified that the additional 2 hours of evening stadium use would allow the flexibility in order to schedule an additional varsity practice on the turf and allow the students to practice on the same surface on which they compete. She added that it will also allow intramural and club sports to be scheduled more consistently throughout the week.

Ms. Strong-Charles reviewed the University’s Jesuit mission and stated that the mission compels the University to address the totality of the education experience and the student’s needs including the athletic and recreational use, their development and their talents which is how the Shula Stadium use is in furtherance of the University’s Jesuit educational mission.

She stated that JCU is prepared to make the following accommodations: 1) utilize the lower light setting for all intramural, club practices and non-competition events and will not utilize the sound system; 2) the University has considered and utilized other means to minimize the impact of the lights and amplified sound on the residents living near the university and the athletic fields. The University has used trees to shade and buffer the affect of the lights and sound and are considering planting new trees; 3) the contractor that installed and calibrated the speaker system to the specifications has proposed making additional modifications to the pre-game or warm up music sound setting to minimize the impact on the neighbors.

Ms. Strong-Charles stated that in 2002 the University accepted that the conditions imposed by the City on the use of stadium knowing that one of the conditions allowed for the expansion of use after the five year period of operation. The University’s preference has been to operate its stadium like other Division III institutions. However, in the interest of cooperation, the University offered the compromised modifications to conditions 7, 8 and 9 of the 2002 building permit restrictions. Ms. Strong-Charles stated that John Carroll University has been waiting for a determination granting relief from the restrictions as they present a undue burden on the University to fulfill its Jesuit educational mission and hoped that the Council would rule favorably at this meeting.

Councilman Bullock mentioned that when he moved to University Heights in 1982 the stadium did not have lights on the field. Therefore, he inquired how the University achieved its Jesuit mission prior to 2002. Ms. Strong-Charles replied that much has changed and the University is attempting to remain competitive in Division III athletics. Councilman Bullock commented that the changes that have taken place do not have much to do with the Jesuit mission.

Councilman Consolo inquired as to the number of students participating in intramural and club sports that use the field. In response, it was noted that the letter from the NCAA cited approximately 2,000 in intramural activities and 180 participants in club sports. That number did not take into account for the number of students who have expressed interest in intramural and club sports, but are not able to participate because of a lack of accommodations.

In response to Councilmen Bullock’s and Consolo’s inquiries, Gretchen Weibrecht, Associate Athletic Director, explained that what has changed since 1982 is that seven (7) club sports have been added since the early 1990’s some being women’s soccer, men’s and women’s lacrosse, rugby, and ultimate frisbee. Other sports have grown such as softball, men’s soccer, and baseball. Also, outdoor varsity sports have grown as well as the track and field and cross county teams all of which use the stadium.
The number of participants in men’s lacrosse is 20-25, women’s lacrosse is 14-20, rugby is 15-20, and ultimate is 20-25. Ms. Weibrecht stated they are trying to accommodate those 90 students for outdoor club sports. She added that intramural sports includes Chicago softball, flag football, men’s and women’s soccer with approximately 1,000 students participates in outdoor intramural activities.

Vice Mayor Goldberg requested clarification if the request is for use of stadium lights until 11:00 p.m. seven days per week because the initial request in the May 24, 2011 letter of Ms. Alfaro-Lopez was for fall and spring. Ms. Alfaro-Lopez responded that the University is seeking the flexibility of seven days per week even though it may not be used everyday. She added that an e-mail was sent in June, 2011 citing specific language for the proposed modification of conditions. Ms. Alfaro-Lopez noted that the language was proposed so as not to cause the same restrictions that made it impracticable to operate the athletic programs under the existing building permit. Mayor Infeld stated that June 20, 2011 council minutes reflected the fact that she received an e-mail from John Carroll University dated June 9, 2011, which proposed substitute language to the University’s request.

Councilwoman Pardee requested a clarification that the extension of lights for intramurals and club sports would be for a period of five and one-half months from August 15 - November 15 and March 1 - May 15. Ms. Alfaro-Lopez confirmed that was correct. Councilwoman Pardee inquired if the University really needed seven days per week. She asked if Monday-Thursday and Sunday would ease the burden and provide more playing time. Ms. Alfaro-Lopez replied that it would, but that was not the University’s request.

With regard to the games with the use of lights and sound, Councilwoman Pardee mentioned that on June 20, 2011, Ms. Weibrecht noted that the University weekday night game schedules would be largely on Tuesdays and Thursdays. Ms. Alfaro-Lopez responded that Tuesdays and Thursdays might not be the only nights. She added that they may have a game on a Friday evening and would like the flexibility to do that if needed.

Mr. Franklin Krakowski of Paladin Professional Sound, stated that he has been employed in the professional audio industry for over forty (40) years and has been employed at Paladin Professional Sound since 2001. He and a sales engineer, Bob Myers, Sr., designed, supervised, installed and programmed the sound system at Shula Stadium. Mr. Myers and he chose the loudspeakers, locations, amplifiers, zones, etc. with the knowledge of the need to control the audio energy generated by the loudspeakers. He noted that they were fully aware of the noise control issues and made all design choices with those things in mind.

In regard to the system selected, Mr. Krakowski noted that the loudspeakers were chosen because they have a very narrow pattern. All except two (2) loudspeakers are facing west away from the residential areas. More than 80% of the acoustic energy faces west and 10% - 15% of the energy wraps around to the rear of the property. All the loudspeakers are controlled by amplifiers and the amplifiers are controlled by a microprocessor computer-controlled system that monitors and controls the output level of each loudspeaker individually. He personally programmed the processor currently in place in 2003 and have participated in four (4) measurements and tests of the system over the years to make sure it stayed consistent and to make sure that the decibel levels generated by the sound system were consistently at or below the levels specified in the building permits. Mr. Krakowski verified that the system has remained unchanged and performs at consistently lower sound pressure levels than are called for by a significant amount. He added that measurements were taken in 2003, 2007, 2009 and on September 9, 2011 and was found to be in compliance with the sound pressure levels on the building permit. Certified meters and certified calibration instruments were used in taking the four sets of measurements.

Mr. Krakowski mentioned that Paladin Professional Sound has been in business for twenty years and installed approximately fifty (50) stadiums in the past 10 years. He named several facilities in the area and included in the new stadiums sound systems were Baldwin Wallace College and Case Western Reserve University. Mr. Krakowski noted that consideration for noise control was not given to those systems. He added that in his opinion the restrictions on sound pressure levels at Shula Stadium are extremely low.

Councilman Ertel inquired if any of the other stadiums have residential homes abutting the field. Mr. Krakowski replied that the Browns practice facility in Berea has homes right on the property line of the field. There are no grandstands or buffer zone. He added that at the Browns facility they also have to portable system to simulate crowd noise. In that application, they are allowed peaks of 85dB at the fence line which is a fairly low threshold.
Councilman Bullock asked if the Browns practice from 9:00 p.m. - 11:00 p.m. in the evening. Mr. Krakowski stated that they close around 6:00 p.m. or 7:00 p.m. Councilman Bullock stated that the comparison is not useful for him because of the difference in the times.

Vice Mayor Goldberg asked Mr. Krakowski if he has made modifications on any of the existing sound systems that he has installed. Mr. Krakowski replied that he has not. It was noted that Rocky River High School stadium is near residents and the sound level is 85 dB, 10% higher than Shula’s level.

At the request of Mayor Infeld, Mr. Krakowski explained the sound levels for the various sports, how the system is set-up at the stadium, who has access to the system, how the music is played and how many speakers are used. He noted that the computer has the following pre-set conditions: soccer 64dB, baseball 60dB, and varsity football at 75dB. He added that the operator pushes a button for the specific sport and the computer processor automatically changes the volume controls to the twelve different zones of speakers to accommodate each sport. He noted that the operator can lower the volume, but cannot increase it beyond the pre-set levels. Mr. Krakowski mentioned that the levels were set in order to stay within the levels that the conditions called for and are substantially lower than any other stadium they installed by a factor of 10 (10 times the energy). Mayor Infeld inquired if the speaker volume was lowered any more would it have any impact on the games. Mr. Krakowski replied that in his opinion if the volume of the sound system was lowered another 10% or 20% the system would lose speech intelligibility. He noted that the speakers are zoned separately and John Carroll is proposing that he reset the programming to payback music through the two (2) loudspeakers over the press box only instead of all twelve (12) in order to control the direction of the playback at center field.

Councilman Consolo asked what would cause him not to be able to hear when he is in the stadium, but he can hear when he is at his home a quarter mile away from the stadium on S. Belvoir Boulevard. Mr. Krakowski responded that the ambient noise of the stadium can mask the amplified spoken word in the stadium and because the sound also disperses.

Councilman Murphy inquired if anything can be done to focus the sound more toward the field. Mr. Krakowski replied if the music can be separated from the spoken word. Music can be done relatively easy. But, the spoken would lose speech intelligibility in some of the grandstand area. He noted that if the overall level is dropped 15%, he would lose between 10%-20% of the seating area where he would not get good speech intelligibility.

Councilman Murphy asked if there is current technology available that would cause the sound to travel less. Mr. Krakowski responded no, in his opinion, the larger speakers at the east end of field are focused at the grandstands and he does not believe he could change them to focus the energy any more than it is currently. He added that the speakers are directed west and are low on the poles and facing downward on the crowd.

Councilman Consolo asked Mr. Krakowski to comment on the University’s compromise in regard to sound. Mr. Krakowski stated that taking the music out of the perimeter loudspeakers is a good idea because music can be the most objectionable. He added that to totally confine the music to the two press box loudspeakers should cause a substantial improvement at the property line. He would be surprised if the music level dropped 100% to 150%, which is about 4 or 5 dB, at the property line. Councilman Bullock mentioned that most complaints are coming from residents who live to the east (Claver Road) and north (Washington Blvd.) of the stadium, and he asked if that will help those two areas. Mr. Krakowski was confident that they could lower the music level to the properties to the eastern property line and to the northeast and southeast corners of the stadium.

Councilwoman Pardee inquired if the speakers had to be adjusted when the measurements were taken in 2003, 2007, 2009 and 2011. Mr. Krakowski responded that he found no changes, the measurements were extremely consistent, and the electronics were very stable. He noted that they have gotten 12-14 years out of similar devices in other stadiums before there is any derogation of performance. He added that if it degrades, the level go down. Councilman Bullock mentioned that most complaints are coming from residents who live to the east (Claver Road) and north (Washington Blvd.) of the stadium, and he asked if that will help those two areas. Mr. Krakowski was confident that they could lower the music level to the properties to the eastern property line and to the northeast and southeast corners of the stadium.

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Councilman Bullock inquired if a different technology exists that would be more advanced than what is installed. Mr. Krakowski replied that the technology of the loudspeakers currently in place is the technology that he would choose to install today.

Councilman Ertel asked if John Carroll has a procedure in place to ensure that the lower sound level is used for baseball and louder for football. Ms. Carol Dietz, Associate Vice President for Facilities, responded that the computer system is in a locked cabinet inside the press box which is also locked when not in use. She noted that the only thing anyone can do is turn the power on and press the button for the setting for the desired use. She added the athletics department has the key and is in charge of selecting the use. Councilman Ertel expressed concern that it is not being done properly.

Mr. Mike Limpach, Regional Sales Manager for Musco Sports Lighting, noted that Musco Lighting is a thirty year old company which specializes in the design, manufacture and installation of sports lighting systems. He noted that during the thirty years that Musco has been in business every major improvement in sports lighting innovation has come from Musco including efficiency, glare control, and system development. The company has been involved with stadiums of various sizes from Yankee Stadium to the Little League World Series. Mr. Limpach stated that he started with Musco Lighting in 1984 and has been involved with thousands of athletic facilities for both professional and recreational sports.

Mr. Limpach stated that Musco Lighting provided the lighting system for Shula Stadium in 2002. He noted that the technology used at the time was Level 8 technology, which represented an improvement of over 80% reduction in spill and glare. He mentioned that when specifications were drawn up for Shula Stadium, Musco designed the system to meet the specifications for NCAA Division III play, but also for the glare and spill sensitivity around the neighborhood. Mr. Limpach noted that the system was designed, approved and installed in 2003. He commented that Musco has also been involved with periodic maintenance and repair of the system. Mr. Limpach stated that he reviewed the report of the City Engineer and noted that the values were consistent with the original values recorded when the system was installed and consistent with values for performance. He noted that the Level 8 system has a bi-level operation where the system can operate on high mode during competitive varsity events and the lights can be dimmed to a low mode for recreational events.

Mr. Limpach stated that the system being used is very good technology and is currently being used in thousands of stadiums across the country. The system as designed has a life of 30 to 40 years as long as it is properly maintained. Mr. Limpach noted that technology has improved. There are upgrades in technology which they reviewed as a possibility for John Carroll University. He noted that in considering upgrades the major change they look at is if energy efficiency is achieved by the upgrade. He added that there is limited usage for Shula Stadium as compared to other recreational fields. Mr. Limpach stated that JCU uses the field for 170 hours per year currently and to upgrade to a green system would be a substantial investment for the University. He noted that there would be some reduction in glare, but the cost is prohibitive for the University. Mr. Limpach reiterated that the system is operating according to the original design standard.

Councilman Bullock asked what could be done to offer relief to the neighboring community. Mr. Limpach replied that blockage is the best thing that can be done to alleviate light glare. He noted that there is substantial blockage by trees, but there are also gaps in the trees, especially on Washington Boulevard. The University has agreed plant more trees where necessary. He added that a tree at least 5 feet above the fence line would help to create a visual barrier. Mr. Consolo also asked what could be done on Claver Road. Mr. Limpach responded that it is difficult to see the light from Claver Road because there is a lot of screening along the property line. He added that the lights are directed north and south and Claver Road is on the east side. Mr. Limpach noted that if there are individual fixtures that could be adjusted to alleviate glare they would do that.

At the request of Vice Mayor Goldberg, Mr. Limpach explained the difference between spillover and glare. He noted that light is a form of energy and the further light goes from its source the more it dissipates. Spill light is light projected on a vertical surface and is measurable. At the distance of the stadium to the residential area, spill light is negligible as it was recorded and measured at 0 foot candles. Glare is a visual sensation that the eye and mind respond to differently. Mr. Limpach noted that glare becomes objectionable when the eye is distracted or if it becomes disabling and is a very subjective form of evaluation.
Vice Mayor Goldberg inquired if there is anything that can be done to modify the glare source. Mr. Limpach stated that the green technology is a further modification of the original Level 8 technology. He noted that it is a very expensive retrofit because the entire lighting system has to be changed out at a cost of $140,000. Vice Mayor Goldberg inquired if retrofitting would help. Mr. Limpach replied that the glare would be reduced, but to the degree that it would satisfy anyone would be a personal opinion as to how much. He noted that the Level 8 system was an approximate 80% reduction as compared to a standard system available at the time, and a green system which came out in 2005 would offer another 50% reduction in glare. Vice Mayor Goldberg inquired if two (2) poles could be retrofitted instead of all four (4). Mr. Limpach replied that individual poles could be retrofitted, but not half a pole because they cannot mix technologies.

Councilman Murphy mentioned that most of the complaints are coming from Claver Road and inquired if particular lights could be identified that may be causing the problems. Mr. Limpach verified that the source of the problem could be identified. In response to a question from Councilman Murphy, Mr. Limpach reiterated that a retrofit of the entire system, which includes four (4) poles would cost $140,000. He mentioned that JCU thinks that lack of blockage is the issue and providing additional plantings may resolve the issue.

Councilwoman Pardee inquired if the residents on Claver Road are experiencing spill light. Mr. Limpach stated that Claver Road measured 0 foot candles for spill light. Therefore, the residents are seeing glare. He noted that they would have to identify the specific source of glare and determine if planting a tree to block the light would solve the problem. It was noted that the personal opinion of objectionable glare is subjective and there may still be complaints.

Mr. Limpach explained that most of the green technology retrofitting has been done in high usage facilities and in warmer climates. Councilman Murphy commented that green technology is less expensive to maintain and with the reduction in utility costs, the system would pay for itself over time. He asked if one pole could be retrofitted. Mr. Limpach replied that the savings would be proportional to one pole, but the capital cost would be less. He noted the appropriate fix would be to identify the source of the glare and eliminate it with trees. He added that minor adjustments may also be made by re-aiming the visor on the light fixture. Mr. Limpach mentioned that the residents quality of life should improve once the glare is blocked.

Councilman Consolo inquired if the lights comply with Codified Ordinances Section 1258.03(b)(3), which states, “Flood lighting and illumination shall be located and designed so as to shield the light source from every adjoining residential district.” Mr. Limpach replied that is a matter of interpretation. He noted that the lights are shielded and there are glare control visors installed so the issue again would be subjectivity. He added that most ordinances do not define a specific value of light to achieve that is measurable.

Councilman Bullock asked if the sound barriers along the highways work. Mr. Krakowski replied that the barriers do reduce the energy level approximately 100% to 150% or 4 to 6 dB. He noted that those type of barriers were considered in 2002, but the trees were much more desirable. He added increased reduction in sound pressure levels are achieved by absorption through the trees rather than reflection off a solid barrier.

There were no further questions for Mr. Krakowski or Mr. Limpach. Mayor Infeld thanked them for attending the meeting.

It was clarified that varsity games will be subject to the original conditions so that games start at 7:00 p.m. and end as early as possible.

Jim Thelen, 14326 Washington Blvd., stated that glare to his home is coming from the southwest light pole. He noted that a tree would have to come up to the second story of the house in order to block the glare. Mr. Thelen mentioned that the sound has been lowered, but the glare is unbearable. He also mentioned that the southeast light pole is affecting the Claver Road residents. He was not sure if trees will help, but he did not want a barrier wall. Mr. Thelen suggested that the University could come up with $140,000 for green technology.

Tom Fanning, 2391 Lalemant, read a statement of support of John Carroll University’s request, which was signed by ninety-three (93) University Heights residents. He encouraged the Council to take a more positive approach to relations with the University as reasonable requests are made.
Mayor Infeld commented that the presentation made by John Carroll University is the presentation they wanted to make and to find fault with the presentation such as the comments about its mission is counter-productive to the discussion. Councilman Sims remarked that the discussion has been a necessary dialogue and he believes that a lot of good has come out of the conversations. He finds it disconcerting when dialogue is characterized as adversarial. Councilman Sims stated that the Council and the Mayor have a responsibility to hear both sides of the issue, which has been done. He noted that the process has worked the way it was intended and tone and any conflict would have to be a function of both parties, not a single party. He did not have a concern about residents expressing what they feel, especially if it is done in a civil manner and he added that for the most part the conversations have been civil. Councilman Sims added that individuals can disagree, but the Mayor and Council have an obligation and responsibility to discuss the issues in a thorough way.

Councilman Sims also mentioned if that if the presentations of the experts would have happened weeks ago in front of the Planning Commission there could have potentially been a different recommendation with respect to how to accomplish what the University is interested in doing. He noted that if the University had come forward with the suggestions that were presented at this meeting six or seven weeks ago maybe it would not have taken so long to get to this point and also if there had been a willingness to indicate that the University is willing to work with the community.

Councilman Bullock stated that it is easy to be uncivil without yelling which has happened at this meeting. He encouraged everyone to be civil and watch what they say. Councilman Bullock made no apology for his comment regarding the University’s mission because he made a point that needed to be made. He suggested that everyone agree to have a discussion, even if it is passionate, without yelling at anyone.

Joy Schwartz, 2549 Claver Road, commented that John Carroll’s Jesuit mission does not mention anything about sports. Mrs. Schwartz noted that Musco Lighting talks about its SportsCluster Green lighting on its Web site. She noted that the estimate of $140,000 was said to be expensive, yet they say the benefit of implementing this SportsCluster Green to older systems cuts operating costs by up to one-half, reduces spill light by 50% and provides guaranteed constant light and she asked for more clarity on this.

In regard to sound, Mrs. Schwartz stated that the maximum sound level for the loudspeakers at the stadium is 75dB. However, she noted that the Noise Control Act of 1972 states that an average person cannot sleep when the noise level is above 45dB. She asked how children and adults in the area are expected to sleep with sound levels at 75dB until 11:00 p.m. 365 days a year. Mrs. Schwartz felt that John Carroll University does not want to compromise. She suggested holding parlor meetings with the University instead of airing the issues at City Council meetings. Mrs. Schwartz stated that the residents are trying to work with the University, but to have noise until 11:00 p.m. at night 365 days a year is not reasonable.

Leo Pozuelo, 2383 Loyola Road, urged the Council and Mayor to continue the compromise and good dialogue. Mr. Pozuelo acknowledged the competitiveness of colleges in this area. He mentioned it is important to look at small steps such as this and reach a reasonable solution in order for John Carroll University to remain competitive. Mr. Pozuelo stated that he wants to remain a resident of University Heights and hopes a compromise can be reached.

Rita Rochford, 2351 Warrensville Center Road, senior at John Carroll University, presented a petition supporting John Carroll University’s request to use Shula Stadium and its lighting until 11:00 p.m. each evening. It also supported the University’s request to schedule additional games or events. Ms. Rochford mentioned that the request for use of the stadium until 11:00 p.m. did not include use of the loudspeaker system. She added that the 9 p.m.-11p.m. time period will allow more students the flexibility to engage in the activities thereby creating a greater sense of community. Ms. Rochford mentioned that she loves University Heights and was hopeful that everyone could work together and come up with a compromise.

Megan Albrecht, 14317 Washington Blvd., senior at John Carroll University, commented that the University’s mission does not mention sports directly, but within the mission there is an understood sense of community. She mentioned that student participation in events from 9 p.m. to 11 p.m. would help relieve stress and offer positive programming. Ms. Albrecht stated that the student interests should be considered because it is a fun way to bond with classmates.
Fred Bolotin, 2383 Miramar Blvd., mentioned that he was a member of the Planning Commission in 2002 when John Carroll University presented the proposal for Shula Stadium. He stated that JCU did not ask for unrestricted use at that time. He noted that the restrictions placed on the stadium were based on the requests and suggested use presented by John Carroll during the discussion. Mr. Bolotin added that the University wanted the lights until 10 p.m. or 11 p.m., which was deemed unreasonable and 9:00 p.m. was recommended. In terms of night games, John Carroll University proposed the one night game and two night games when they played Mt. Union at Shula.

Elisa Travis, 2555 Claver Road, suggested that the Council consider the residents living in the area surrounding Shula Stadium when determining what time is too late to have the lights on. She noted that there are families with children, seniors, and professionals living in the area who go to bed as early as 8:00 p.m. or 9:00 p.m. She mentioned that the sound affects more neighbors than the lights and suggested that the lower sound level be used for the football also. Mrs. Travis suggested that the University schedule practice time during the day.

Rebecca Barker, 14318 Washington Blvd., stated that John Carroll did planted fast growing evergreen trees in 2002 at the back of her home, but they are still waiting for them to get tall enough to properly block the light. Mrs. Barker stated that the lights are on past 9:30 p.m. quite often. She assumed that if the lights are allowed to be on until 11:00 p.m. they will be on until 11:30 p.m. or longer. Mrs. Barker mentioned that the students are moving into residential housing in the neighborhood the extended use of lights and noise will have a side affect of increased traffic of students in our residential area. She shared a story of students coming to her house by mistake and asked if the Jesuit educational mission includes harassment of residents by students.

Vice Mayor Goldberg inquired if there has been discussion by the University’s administration in terms of exploring retrofitting all or one or two of the light poles. Ms. Dietz replied that she has been aware of the $140,000 cost to retrofit the light poles for several months because the University had discussions with Musco regarding its options. She noted that financially it does not make sense for the University to do that because of the number of hours the lights are used, the cost of energy, and the cost of a new system versus having an existing system in place that is good for another twenty-five (25) years. She added that it would be more than a 25 or 30-year pay back period. Vice Mayor Goldberg asked if the University would consider selling one of its homes to come up with the $140,000. Ms. Dietz explained that technology is constantly evolving and Musco Lighting is currently working on LED technology and they may come out with new and better technology in 3 to 5 years. She added if the University was to wait for LED technology, it would represent huge energy savings. Ms. Dietz stated that John Carroll University is a green campus and green technology seems to be a good thing, but better technology will be available soon.

Councilwoman Pardee inquired if the Council could modify the Planning Commission’s recommendation. Mr. Fisher advised that the Code provides that the Council may accept, reject or modify the recommendation of the Planning Commission.

Vice Mayor Goldberg asked if intramural and club sports are played on Sunday night. Ms. Pruce responded that Sunday night is one of the most popular requested times. Ms. Weibrecht added that on Sunday when JV games are away intramurals may run from 12 noon to 9:00 p.m. and when JV games are at home intramurals run from 4:00 p.m. to 9:00 p.m. She also noted that in addition to the JV games, the varsity football team has warm up and practices on Sunday.

Councilman Murphy stated that there are two main issues, lighting and sound. He added that light pertains to intramural activities because the sound system will not be used. Mr. Murphy mentioned that he has been to the stadiums at Baldwin Wallace and Case Western Reserve and they are not comparable to Shula. At Baldwin Wallace the houses cannot be seen from the field because of a giant hill. With regard to Case Western Reserve, there is a parking garage on the residential side and the lights are focused down the field on the other side. Councilman Murphy was not sure if $140,000 was a firm number for the lighting and would like to look into it further. He mentioned that he wants the students to be able to use the field until 11:00 p.m., and he requested help from the University to accomplish this.

With regard to sound, Councilman Murphy noted that the residents objected to unlimited games. He asked the University how many games they want in a given year so that the residents will know what to expect.
Councilman Bullock inquired as to how far the University is willing to go into discussing new technology for lights. Ms. Alfaro-Lopez responded that they are looking at new technologies and are interested in green technologies as a possibility, but she could not make a commitment. However, she did state that the University is committed to moving the campus forward into more energy efficient technologies.

Councilman Sims inquired if the information was accurate that 45dB is the maximum sound level for a person that is trying to sleep because the maximum level for the stadium is 75dB. In addition, he asked how many times louder is that than what would be considered an acceptable level. Mr. Krakowski replied that the increment from 45dB to 75dB is approximately 30 to 40 times louder. He added that 45dB would be measured inside the individuals room reduced in value by the house, the windows, and the distance from the property line. He estimated that the decibel level from the property line to outside the house may be reduced another 10-15dB so the sound level inside the house may be at 45dB.

Councilman Sims noted that JCU has stated that remedial action will be taken to address the lighting which would possibly also have an impact on the sound being emitted to the community. Several compromises were brought forward. Ms. Dietz stated that Paladin Sound recommended adding another setting to the push button controls for the pre-game, warm-up music which would involve two speakers directed at the field. Ms. Dietz noted that the University is committed updating the controls for the music and replacing evergreen trees along the baseball field on Washington Blvd., the east curve of the track, and any other location along the Claver Road property line where trees have died. Ms. Alfaro-Lopez added that they are also committed to using the lower level lights for intramurals and no sound.

Councilwoman Pardee stated that it is a very subjective situation, but she believes John Carroll University should have some of what it requested. She proposed the following compromise.

MOTION BY MRS. PARDEE to accept the Planning Commission recommendation for approval of John Carroll University’s request to modify conditions 7, 8 and 9 of the September 23, 2002 City Council motion approving use of John Carroll University’s Don Shula Stadium, as modified:

1) allow John Carroll University student intramural sport activities, club sport activities, and practices to be extended from 9:00 p.m. to 10:30 p.m. five (5) nights per week, Monday through Thursday and Saturday night with maximum use of the lights at 30 foot candles and no audio;

2) to authorize stadium use for John Carroll University and non-John Carroll University varsity sporting events until 10:30 p.m. with use of the sound system and lights at 75 foot candles for varsity sports for fifteen (15) events per year upon advanced notice to the City;

3) to plant trees where there are gaps along the Claver Road property line, and where there are gaps on Washington Blvd.

4) all other conditions of the 2002 motion shall remain in full force and effect.

She also proposed that a method be worked out as to where residents have a place to go at the University to get help and that person should be someone who has to ability to make things happen.

Councilman Murphy commented that if this does not work and the University wants use until 11:00 p.m., the matter can be revisited if they want to talk about making improvements to the technology. Councilwoman Pardee agreed that the matter should be revisited.

With regard to proviso #1, Councilman Consolo asked that Sunday night be reconsidered because the students have said that Sunday is the most popular time. Councilwoman Pardee wanted that give the residents on night where they can use their yards and entertain. But, she was amiable to amending her motion to add Sunday.

Vice Mayor Goldberg requested a reconsideration by amending the time to 9:30 p.m. as opposed to 10:30 p.m. and Sunday night. Councilwoman Pardee stated that she heard from residents that the lower level lights at 30 foot candles is more like moon light. The proposed motion remained at 10:30 p.m.
Councilwoman Pardee explained that she is looking at intramurals and club sports as being played during the 5.5 months that were originally presented by the athletics department. The events would be any time during the 12 month period. She clarified that the proposed 15 events per year would be for all events such as varsity football games, high school games, Relay For Life, the continental cup, etc.

Councilman Sims inquired if the University would still plant the trees under a modified set of conditions. Ms. Alfaro-Lopez responded that the accommodations that the University offered were on the basis of the requests made to the Council. She pointed out that Baldwin Wallace College, Case Western Reserve University and Wittenberg University have no restrictions on lights, sound or use. Ms. Alfaro-Lopez reiterated that the University would like the flexibility to operate the stadium.

Mayor Infeld pointed out at Dora Pruce is a University representation that has helped the residents with issues. She expressed concern that the proposed motion is limiting the University too much. Mayor Infeld reiterated that John Carroll University is the largest employer in the city, the largest landowner and largest contributor to the City’s tax base. She added that helping JCU helps the community grow and strive.

Councilwoman Pardee stated that her reasoning for specifying fifteen (15) events is because Ms. Weibrecht had indicated if the restrictions were lifted the University would be able to have approximately ten (10) additional evening men and women soccer games, host one to two high school football playoff games, as well as club and intramurals sports and practices. She understood showcasing the stadium for high schools. But, her greatest concern was for JCU to have sufficient access for varsity football, soccer and other recruiting type events. Councilwoman Pardee stated that she is seeking to provide a portion of what would be beneficial to the students so they can play intramurals at night and so that there would be more varsity games. But, she wanted to go slowly and assess how this affects the community with trees and other modifications and then have the modifications reviewed in the future.

Mayor Infeld asked the Law Director if Council’s acceptance of the Planning Commission recommendation with modifications could be reviewed by Council at any time with a new application. Mr. Fisher replied yes, John Carroll University could come back in the future and make another application. He added that there were no modifications for 5 years, which expired in 2007, there would be no conditions imposed presently that would preclude the University from future applications as it might relate the conditions on the use of the stadium.

Mayor Infeld stated that she would prefer to have any limitation on the stadium not refer to anything other than reasons that would apply to everyone. Councilwoman Pardee stated that she heard more than once that the residents would like to have one weekend night undisturbed for entertaining in their yards, which she feels is a reasonable compromise.

Councilman Bullock asked what the impact to the University would be by limiting the events to fifteen (15) events. Ms. Pruce replied that they prefer unlimited flexibility. Councilman Murphy stated that it would be difficult to approve the motion because he was not sure that John Carroll is interested in it being passed. He added that the Council is trying to find a way to make this work and it would be easier if they know how many events the University needs.

Mr. Fisher restated the first two conditions of the motion:

1) allow John Carroll University student intramural sport activities, club sport activities, and practices to be extended from 9:00 p.m. to 10:30 p.m. six (6) nights per week with the exception of Friday night during the prescribed periods of September 1 through November 15 and March 1 through May 15 with maximum use of the lights at 30 foot candles and no audio;
2) to authorize stadium use for John Carroll University and non-John Carroll University varsity sporting events until 10:30 p.m. with use of the sound system and lights at 75 foot candles for varsity sports for fifteen (15) events per year upon advanced notice to the City;
Mayor Infeld asked the University as to how many home and away games they have for football, soccer, and other varsity sports. Ms. Weibrecht replied that if the schedule remains consistent, they have five (5) home and five (5) away games for football. Women’s and men’s soccer alternate every other year; one year they will have five (5) conference games at home and the next year they will have four (4) conference games at home. There are non-conference games also which are inconsistent. She noted men’s soccer and women’s soccer could play a total of twenty (20) varsity contest in a year and approximately one-half will be played at home.

Ms. Weibrecht commented that her proposal if the expanded hours are granted is to start a Tuesday or Thursday men’s or women’s soccer game to start at 7 p.m. so that the football could practice on the turf at 3:30 p.m. before the game. And, then intramural and club sports could use the field starting at 9:00 p.m. She noted that these sports only address fall, not the sports played in the spring. Ms. Alfaro-Lopez added that Ms. Weibrecht’s answer regarding schedule information explained why the number of games set arbitrarily do not work for the University. It was noted that 15 games does not meet the demand.

Mr. Sims asked how the other sports are accommodated under the current agreement. Mayor Infeld replied that currently JCU is not able to host as many games as its conference rivals. Therefore, the University is not able to provide the same experience for its students that rival universities are able to provide. Mr. Fisher added that teams like men’s and women’s club lacrosse, which has become very popular, are have problems getting on the field.

Councilwoman Pardee asked Ms. Weibrecht if the University could accomplish its goals limited to Tuesday and Thursday nights as outlined. Ms. Weibrecht did not want to put a limitation on the direction the University wants to go. She referenced Tuesdays and Thursdays because of how the football team practices, but she did not want to be limited to Tuesday and Thursday.

Councilman Consolo asked what other NCAA varsity sport games the University is seeking to increase at night. Ms. Weibrecht responded potentially track and field and lacrosse. She confirmed that varsity sports would be played during the designated period of September 1 through November 15 and March 1 through May 15 with the exception of conference and NCAA post-season championship games.

Councilman Consolo understood the University’s position, but noted that the City has the Zoning Code in place. He stated that the City is very clear in its mission statement that University Heights is essentially a residential community of relatively small total area and everything is emphasized on residences. He added that there has to be a balance. He thinks if University Heights wants to become a community where there are night activities every night of the week, then he does not know if University Heights would be a residential community anymore. Councilman Consolo stated that he is not in favor of unlimited use.

Vice Mayor Goldberg stated that she has a problem with intramural activity until 10:30 p.m. in a residential area six nights per week because it places a burden on the residents. In regard to compromise, quality of life and balance, Vice Mayor Goldberg stated that she would agree to allow the intramural activity until 9:30 p.m. and twenty (25) events as a pilot project to be reviewed in one year. She also wanted the lights to be reviewed in one year in order to determine available technology at that time and energy efficiency.

Mayor Infeld called for a brief recess. Following the recess, the meeting reconvened and the discussion continue.

Mayor Infeld expressed concern about putting limitations on the University’s request because she believes the University has evidence and data to back up what it needs to become more competitive and to produce educated men and women for others.

For the sake of balance, Councilman Bullock asked the Mayor explain what her concerns are for the residents. Mayor Infeld responded that she believes the City is best served by a healthy University because a healthy University contributes money to the City’s bottom line and those tax dollars are used to provide services to the community. Mr. Bullock mentioned that she did not answer his question regarding concern for the residents.
Mayor Infeld commented that she has heard from numerous residents that they are concerned about what they perceive as a contentious relationship between the City and the University. She added that the residents have also expressed to her that they see the University as a very valuable member of the community, if not the largest part, and questioned why she is not helping the University grow. Mayor Infeld concluded by stating that it is best for the residents to help the University.

Councilwoman Pardee stated that the officials of the City have residents that they are responsible to as well and proposed an amendment to the motion that intramural sports be allowed Sunday through Thursday. She also proposed an amendment the motion to change the number of events to thirty (30) events.

With regard to the provision in the proposed motion for JCU to plant evergreen trees to fill in gaps along the Claver Road property line and on Washington Boulevard, Councilman Sims pointed out that the University has an obligation under the Code to plant the trees. However, based on the University’s testimony, he is not sure they are willing to do it and he would not want to pass a motion that the University would say was placing conditions on them. He expects that the John Carroll will plant the trees because that is what they have to do by ordinance. Councilman Sims recommended against any provision that would be interpreted as a condition on the University. Councilman Murphy agreed.

In response to suggestions by the residents, Mayor Infeld suggested implementing a penalty such as $100 per night if the time periods for light and sound are exceeded. Mr. Fisher had an issue with imposing any type of monetary penalty. Councilwoman Pardee commented that in the full spirit of cooperating with John Carroll University, the City would not want to establish penalties, which would create a more antagonistic situation. She added that they would rather work with the University on behalf of the residents in the residents favor.

Mayor Infeld expressed concern of limiting the field use. She noted that the students are young and healthy and the benefit of having the field use available to them on a nightly basis is so they can burn off energy and be in a controlled, supervised and safe environment. She found it unusual that the two nights of the week that the students are celebrating not being in classes are the two nights the Council is not allowing them to use the field. She added that the needs of the people using the field should be taken into account. Mr. Fisher asked the Council to consider Saturday through Thursday, excluding Friday only. There was a favorable consensus by the Council to add Saturday.

Councilman Sims commended his colleagues for trying to resolve the situation. However, he could not support the motion because he has not seen an effort on the part of John Carroll University to accommodate the concern of the residents. In direct response to questions he asked, the University indicated that they did not have any intention of accommodating the request for trees, which they have a responsibility to do by ordinance.

Councilman Bullock stated that there are things the University should be doing in accordance with the ordinances and he is looking to the administration to make sure that provisions of the ordinances are being followed. Mayor Infeld stated that JCU abided by the 2002 motion and if the Council wants the trees included it should be incorporated into the motion. Councilman Bullock mentioned that trees were planted, but the trees that died should have been replaced. Mayor Infeld expressed her concern of amending something that was already approved and suggested that if the Council wants more trees planted it be added as an item on the motion. She noted the planting plan was approved by the neighbors and she understands that the neighbors now want something different. The lighting expert has suggested that additional planting would help mitigate some of the glare and it would be a natural way to address the issue.

Councilman Bullock asked the Law Director if trees were planted, they died and were not replaced meets the requirements of an ordinance. Mr. Fisher stated that he was more concerned with the conditions of the 2002 motion and he understood the reluctance to impose conditions. But, his profession opinion was that the condition should be imposed to require the planting of the trees. He added that everyone acknowledged that trees need to be plants and hopefully the University would do it. However, it was Mr. Fisher’s recommendation to make it a condition to plant the trees where needed.

The pending motion was restated and seconded.
MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to accept the Planning Commission recommendation for approval of John Carroll University’s request to modify conditions 7, 8 and 9 of the September 23, 2002 City Council motion approving use of John Carroll University’s Don Shula Stadium, as modified:

1) allow John Carroll University student intramural sport activities, club sport activities, and practices to be extended from 9:00 p.m. to 10:30 p.m. Saturday through Thursday during the prescribed periods of September 1 through November 15 and March 1 through May 15 with maximum use of the lights at 30 foot candles and no audio;

2) to authorize stadium use for John Carroll University and non-John Carroll University events until 10:30 p.m. with use of the sound system and lights at 75 foot candles for thirty (30) events per calendar year upon advanced notice to the City;

3) trees to be planted as recommended by Musco Lighting where needed to provide shielding from light glare;

4) all other conditions of the 2002 motion shall remain in full force and effect.

On roll call, all voted “aye,” except Mr. Sims and Ms. Goldberg, who voted “nay.” Motion carried.

B. Resolution No. 2011-62 Accepting the amounts and rates determined by the Budget Commission and authorizing necessary tax levies (2nd Reading)

Resolution No. 2011-62, which was placed on first reading on September 6, 2011, accepts the amounts and rates as determined by the County Budget Commission and authorizes the necessary tax levies and certifies them to the County Auditor. The County Auditor’s estimate of tax rates to be levied are as follows: 4.05 mills -- Inside 10 mill limit; and 9.15 mills -- Outside 10 mill limit; a total of 13.2 mills.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to approve the passage of Ordinance No. 2011-63 as an emergency measure. On roll call, on passage, all voted “aye.”

C. Resolution No. 2011-66 To seek finance assistance from the Ohio Public Works Commission (OPWC) State Public Works Program to fund the Roadway Rehabilitation - Streets with New Water Mains (Emergency)

Resolution No. 2011-66 authorizes the Mayor to seek finance assistance from the Ohio Public Works Commission (OPWC) State Public Works Program to fund capital infrastructure improvement roadway rehabilitation projects on streets with new water mains.

City Engineer Joseph R. Ciuni reported that the application for OPWC funds is due September 30, 2011. The City intends to apply for funds to resurface three (3) streets that have had waterline repairs, Silsby Road from Milton to Green, Charmy Road from Claridge Oval to Hillbrook, and Bushnell from Edgerton to Warrensville Center Road. The project is estimated at just under $600,000. Mr. Ciuni noted that the City would have to contribute 10% to the project for a 90/10 grant. Councilman Sims mentioned that the City’s share could range anywhere from $60,000 to $180,000 and inquired where the fund would come from within the budget. Mayor Infeld responded that the City’s share would not be $180,000. She noted that the City’s chances of being awarded the grant increases if the City contributes more money to the project. But, she added that the City does not have a lot of money to contribute. Therefore, the City’s contribution would most likely be $60,000. She noted that an 80/20 grant would help the scoring if they can find a way to apply for it. However, Mayor Infeld could not commit to that and she believed the City will be applying for a 90/10 grant.

MOTION BY MR. BULLOCK, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2011-66 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”
D. Ordinance No. 2011-67 Authorizing the transfer of funds (1st Reading)

Ordinance No. 2011-67 authorizes the transfer of funds from the General Fund to the Police Pension Fund in the amount of $93,372 and the Fire Pension Fund in the amount of $127,649. Finance Director Jennifer Esarey reported that the transfers are necessary to cover the Police and Fire Pension Funds quarterly payments for the 2nd Quarter 2011 Billing Statement.

Ordinance No. 2011-67 was presented on first reading.

E. Ordinance No. 2011-68 Authorizing an agreement with the City of Bedford Heights for housing the City of University Heights’ prisoners at the Bedford Heights City Jail (Emergency)

Ordinance No. 2011-68 authorizes the Mayor to enter into an agreement with the City of Bedford Heights to provide custody, supervision, confinement and board for City of University Heights’ prisoners at the Bedford Heights City Jail in an amount of $75.00 per day. It was noted that the current prisoner housing contract expired on July 31, 2011.

MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2011-68 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

F. Ordinance No. 2011-69 Authorizing an agreement with Marshall Carpet One for the installation of carpet at City Hall (Emergency)

Ordinance No. 2011-69 authorizes the Mayor to enter into an agreement with Marshall Carpet One for the installation of carpet at City Hall in an amount not to exceed $6,547.86. Mayor Infeld noted that three (3) quotes were received with Marshall Carpet One being the lowest and best.

Councilman Sims requested that the Ordinance be amended to include the Clerk of Council’s office by increasing the dollar amount to not to exceed $8,000. Mr. Fisher suggested amending Section 1 of the Ordinance No. 2011-69 to change the amount to not to exceed $8,000. Mayor Infeld mentioned that Marshall Carpet could add the Clerk’s office to the quote and it could be considered at the next meeting. Mr. Fisher suggested that the ordinance be held for the next meeting.

Ordinance No. 2011-69 was placed on hold until the meeting of October 4, 2011.

G. Motion to advertise for bids for pool painting

Mr. Ciuni reported that the pool was last painted in 2007 at a cost just under $15,000. The Service Director solicited three (3) quotes. The minimum quote was $19,500. Due to the quotes being over $15,000, the City would have to advertise for competitive bids.

MOTION BY MR. SIMS, SECONDED BY MR. CONSOLO to advertise for bids for pool painting. On roll call, all voted “aye.”

H. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, litigation and real estate matters

An executive session was not required.

Directors’ Reports:

Chief of Police Steven Hammett reported that an EDGE meeting was held last week and the group is one step closer to solidifying the regional SWAT team.

Mayor Infeld reported that she and Chief Hammett will hold another neighborhood meeting with the residents of South Belvoir Boulevard.

Service Director Robert Jamieson reported that the fall leaf collection program will start on October 15, 2011 and run through December 1, 2011. He noted that leaves may be raked to the tree lawn for collection.
Mr. Jamieson explained that there have been more residential sanitary sewer and storm sewer lateral clean out and repairs than anticipated this year. Therefore, the sewer line item is over budget, but he is trying to control costs as much as possible.

Mr. Jamieson also reported that he is in the process of obtaining quotes for catch basin repairs which cannot be made in-house.

Councilman Consolo inquired as to the purpose of the cone in the southwest corner of the five-way intersection at South Belvoir Blvd., Silsby Road and Wren Road which is covering a white metal plate. Mr. Jamieson stated that he will investigate the site.

**Building Commissioner** David Menn reported that there has been a delay in the start of the demolition for the McDonald’s project. The demo should start on Wednesday, September 21, 2011. It will take four (4) days to raze the building and approximately two (2) weeks to complete the demolition process. McDonald’s has proposed a 100-day build. Mayor Infeld announced that the first lane of traffic on Warrensville Center Road will be closed during the four (4) days when the building is being demolished. She added that there will be police presence to make sure the traffic is diverted appropriately.

**City Engineer** Joseph R. Ciuni reported that Fenwick Road collapsed due to a severe water main break and the road has been closed from Faversham and Grenville for six (6) weeks. He noted that the agreement with the Cleveland Water Department (CWD) is that they repair the water line and the City fixes the street and then back bills CWD. Mr. Ciuni noted that the lowest quote for the repair was $59,000 and wanted to get CWD approval before making the repair. He asked the Mayor to write the Director’s office in order to assist in getting the approval.

Mr. Ciuni reported that the Dominion East Ohio gas line project on Green Road is scheduled to be completed by October 31, 2011.

**Committee Reports:**

**Governmental Affairs Committee** Chairman Susan D. Pardee reported that she will schedule a committee meeting for the second or third week of October.

There being no further business to discuss, the meeting was adjourned.

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Susan K. Infeld, Mayor

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Nancy E. English, Clerk of Council