

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
MARCH 2, 2015**

Mayor Infeld called the regular meeting to order at 7:34 p.m.

Roll Call:

Present: Ms. Nancy E. English
Mr. Mark Wiseman
Mrs. Adele Zucker
Mrs. Susan Pardee
Mr. Phillip Ertel
Mr. Steven Sims
Ms. Pamela Cameron

Also Present: Law Director Luke McConville
Finance Director Larry Heiser
Police Chief Steve Hammett
Fire Chief Douglas Zook
Service Director Jeffrey Pokorny
City Engineer Joseph Ciuni
Building Commission Eric Tuck-Macalla
Clerk of Council Kelly M. Thomas

Pledge of Allegiance

Approval of Minutes from Council Meeting February 17, 2015

Mrs. Pardee notated the follow corrections; under the Mayor's comments correct the spelling of "dredging" and on page 5 change paragraph 1 to read "Mrs. Pardee asked Mayor Infeld what would happen if Braun & Steidl is not approved when voted on tonight, what would be the result....".

Mr. Wiseman commented that he provided more dialogue and details than was summarized in his comments on page 4 and asked the Council Clerk to listen to his comments again and edit a little less.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to table the minutes of February 17, 2015 as presented. On roll call, all voted "aye."

Comments from Audience

Mr. Yares, 2488 South Green noted his concern regarding the lack of information that is provided to the residents and the lack of community engagement.

Mayor's Comments

- March newsletter is out to the community
- Changes are being made to the Swim lesson program for the upcoming season with children lessons on Men's and Women's Night as well as Saturday only lessons.
- The Home Repair Resource Center in Cleveland Heights will be offering a discount during the month of March to University Heights residents.
- The semi-annual household hazardous waste collection and free paper shedding events will take place this weekend, March 6th and 7th.
- The Northeast Ohio Sourcing Office which designed as a Council Governments and a way for communities to be able to save money on consolidated purchasing of supplies and professional services will be disbanded. There are other options available to the City with purchasing commodities.
- The Memorial Day Parade Committee will meet in Council Chambers on Monday, March 9

- There will be a Playground planning meeting for the new park after the Parade Committee meeting on March 9 at 7pm
- Representative of Inland Realest, owners of Cedar Center South have plans to reface the storefront area of their property from the area west of CVS to the end of their property.
 - Attempting to work with the barbershop who didn't get their lease renewed to help him relocate, unfortunately Inland doesn't have a space in the size he needs.

Agenda Items:

A. Motion to approve the Planning Commission Recommendation for the approval of the application of the Kolliel of University Heights request for a Special Use Permit and the required four (4) Variances to construct the proposed building for the Kolliel of University Heights. The proposed location is 2476 – 2492 So. Green Road.

- Area Usage and Frontage Regulations need variance of 27%
- Minimum area of the lot
- Use of Yards for Accessory Off-Street Parking and Loading
- Parking Facilities shall be located on the same lot as the main building or use served

City Law Director Mr. Luke McConville stated that under Ohio law this is considered a quasi-judicial hearing because the City is considering the approval of variances and asked that anyone from the audience who wishes to give testimony to raise their right hand. Mr. McConville proceeded to administer the oath to all who raised their hands.

Rabbi Katz thanked City Council and Mayor Infeld for hearing the Planning Commission's recommendation to build a new edifice on the corner of South Green Road and East Carroll. Rabbi Katz explained that the Kolliel services the whole community and has been in University Heights for 18 years and added that the current facilities are cramped. In regards to the traffic and parking concerns really doesn't concern the Kolliel because some people come at 6:30am and others at 7:30am, there isn't that much traffic and by 8:20am everyone is gone. The busses that come, come at 8:30am or after and return at 9:15am and again leave at 1:00pm with a return at 2:45pm and leave at 6:00pm. Rabbi Katz said the entire group is about 30/40 people. During the evening at 8:00pm people return to the Kolliel, but there aren't that many people on the street, these isn't a lot of traffic at that time no one is going to school or work.

Mr. Bialosky provided a brief explanation of the project which is proposed to cover the existing four parcels with three houses currently sitting on them. The actual footprint of the building is about 4,5000 sq. ft. The parking lot for the Kolliel will be entered into off East Carroll and exited onto South Green Road. Down low on the front of the building is an outdoor terrace (this is the only outdoor programmed area). The Kolliel is a place of study and place of worship. Inside the facility the ground floor will be singled purposed facility with space for 102 seats, the corridor runs all the way through the building from the sidewalk entrances. Above the main sanctuary space is a small mezzanine with 42 seats. On the lower level there's a small reception room. The service zone contains the restrooms and stairways. Mr. Bialosky noted one of the special conditions placed on the recommendation from the Planning Commission what that there will be no special functions taking place at the Kolliel, such as wedding, bar/bat mitzvah. Those functions will take place across the street in other institutions that are in the neighborhood. There is a room with tables which can accommodate 170 people, but the Kolliel anticipates a occupancy of about 150 people maximum a few time during the year. There is no simultaneous use the spaces by different groups of people.

Mr. Bialosky reviewed the structure/look of the building. The building is residential in scale with a gable shape and is intended to fit in with the neighborhood. The height of eave/ridge is 28 ft. which is lower than many of the homes in the neighborhood with a gable shape. There will be superior landscaping and screening placed around the site.

Regarding parking and traffic Mr. Bialosky remarked that Nancy Lyons from Michael Baker International, Traffic Engineer was present at the Planning Commission meeting and explained the presented traffic study and report. Mr. Bialosky stated that the study was reviewed by Mr.

Ciuni, Mr. Tuck-Macalla and Police Chief Hammett of which all were satisfied with the findings of the study.

Mr. Bialosky acknowledged that it is a very considerable variance being requested for the number of parking spaces but the bulk of the members live within a half miles radius or 10 minute walk. Mr. Bialosky noted that the community is required to walk to the Kolliel facility on Sabbath and High Holy Days. And from a poll, it is the belief of the community that they would walk anyways because they would be so close to the Kolliel. Mr. Bialosky commented that there is no textbook that provides for the special circumstances of this case. Therefore the parking study looked at the parking uses of the Kolliel as it exists and also of the Chabad (accommodates @ 234 people with 59 parking spaces) across the street. According to Baker International determined that the Kolliel actual present need was about 22 parking spaces and the plans have 33 spaces. The study showed that presently the traffic at the intersection of East Carroll and South Green Road is at a level of "b" service and the impact of the Kolliel facility would increase the delay to 1 – 2 seconds.

Mr. Bialosky reviewed each of the requested variances.

- Required 50% of the site to be planted. The Kolliel is at 27% for a needed variance of 23%.
- Required minimum lot size of 3 Acres. The Kolliel is at .73 Acres for a needed variance of 2.27acres.
- Required 30ft on the side yards
 - The Kolliel can provide 10ft on the West Side Yard with the need of a 20ft. West Side Yard Variance
 - The Kolliel can provide 12ft. on the South Side Yard with the need of a 18ft. South Side Yard Variance
- The University Heights code calls for the most restrictive use of 160 parking spaces. Mr. Bialosky voiced his opinion that that section of the code is not appropriate, even if this were a different type of facility but particularly because the Kolliel people have to live in the area because they walk. The Kolliel will need a Parking Space Variance of 127 spaces.

Mayor Infeld opened the floor for Council comments/questions.

Mrs. Pardee asked what type of programming would be held on the outside plaza and noted that on the renderings there appeared to be more plantings between the Kolliel and South Green Road than there is between the property and the neighbors.

Mr. Bialosky responded that there will not be programs, the area will serve as a walk out area where a reception from the inside could spill out into. Mr. Bialosky agreed with Mrs. Pardee that there are more plantings on the South Green Road side and the reason to because of where the actual setbacks are and where the building can actually functionally be located. Therefore the building is set on the setback line from South Green Road and is within the setback lines on the other side. The driveways are placed where the other plantings would be. The fencing will have a mesh material in it so that the light from car headlights can't go through it and there will also be green giant cedar hedge/trees with a total height of 15/20 ft. within a quick span of time.

Mr. Sims asked what appearance the fencing would have on the residential side and what would be the color.

Mr. Bialosky replied that looking from the residential side you would see fencing with mesh with a green or black color; the colors would be a question for the Architectural Review Board.

Mrs. Cameron asked Mr. Bialosky to point out and explain the setback variances and where would the facility be located if within the code requirements and whether board on board fencing was considered.

Mr. Bialosky stated that it would be impossible to access the lot if they were to observe the code. Regarding the type of fencing the Kolliel's view was this type of fencing would be more aesthetic

solution where it would appear to be a green wall rather than a wooden fence, but they are opened to either choice.

Mayor asked the Kolllel's attorney Mr. Fisher if he had any comments.

Mr. Fisher stated that this project not significantly dissimilar from the Jesuit House on Miramar that was approved by the City so years ago. The Kolllel is very consistent with the residential character; it is a gateway to the City off South Green Road and will serve as an anchor for the community. In terms of the criteria that the Planning Commission used on February 24, 2015; under code 1274 Mr. Fisher stated that per Dr. Simon there was clear and convincing evidence that surrounding property values would not be impaired as well his review and conclusion of the traffic study that there would be no adverse (one of the criteria under 1274) pedestrian or vehicular traffic issues. The Kolllel provides bastion of education for many people that live in University Heights. People move into University Heights just because of Rabbi Katz and the Kolllel. In terms of the criteria there's no lighting and noise issues. This application is again under House of Assembly and Religious use code 1274. The applicant must demonstrate that denial will result in unnecessary hardship, and that was addressed at length with the Planning Commission and the burden was in fact met.

At this point Mayor opened the floor to the various Department Directors because it would benefit Council to hear their opinions.

Fire Chief Zook stated his concerns for the project are the extreme variances and the number of on-site parking space. Chief Zook continued and stated that his fear is that it would hinder access to the building in the case of an emergency.

Police Chief Hammett remarked he didn't have a lot of concerns and that his preliminary concerns have been addressed based on the data contained in the presented traffic study. Chief Hammett noted that it is important to keep in mind that the traffic study is based on projections, if those projections are off the traffic patterns and/or some of the parking along South Green Road and East Carroll may have to be modified. Other than that Chief Hammett was pretty comfortable with the data contained in the traffic study.

Building Commissioner Mr. Tuck-Macalla stated that he had no real objections to the project. And from his own personal knowledge of the community that will be within walking of the proposed Kolllel is really growing, there is a lot of energy and building permits. Mr. Tuck-Macalla's concern is that the project is small and that it could use more space to be closer the 3 acres to give it room to grow.

City Engineer Mr. Ciuni reported that as he informed the Planning Commission at this time there is nothing of an engineering matter to review. Mr. Ciuni added that he verified that the Kolllel project needs all the requested variances and that he did speak to the architect about concerns he has with the engineering design such as drainage and storm water management issues. Mr. Ciuni continued to say without plans he can't make further comments on that at this time, but also that a lot consolidation will be required at a later point if the project goes forward.

The floor was opened to the audience at this time.

Mrs. Shoshanna Socher, 23415 East Silsby, Beachwood, realtor for the Heights community spoke in favor of the project, the community and home sells in that area of University Heights.

Mrs. Sherri Mendenhall, 4292 University Parkway thanked Council for serving the community. Mrs. Mendenhall noted that she has been a resident for 25 years and stated that University Heights is a city of family values and that the Kolllel is near and dear to her heart. To accept the Kolllel into the community is only accepting something that will enhance University Heights, continue to raise property values, and continue to keep people who want to stay in and come to our community.

Mr. Tom Griesser, 2620 Rubyvale and 21 year resident. Mr. Griesser stated that occasionally over those years he's come to meeting to voice his opinion both positive and negative. But in this case he strongly supports the Kolllel. Religious organizations no matter the type are an important part of the community fabric.

Mrs. Barbara Nagel, 2561 Lafayette, resident for 60 years. Mrs. Nagel stated the diversity of the community is not being respected, which is why she stayed in the community. The Kolliel represents a half mile radius but it is asked the community as a whole to make some major changes. Traffic goes on all the time; there is too much going on at that intersection. Mrs. Nagel commented that there are other or soon to be vacant properties that are already zoned religious or educational in the area and stated that there is too much density in the proposed site. Mrs. Nagel stated that when similar things for rezoning were occurring across the street in Beachwood it was put as a referendum in front of the Beachwood voters, it would seem that the voters of University Heights should have a say in this. Why is this project is only involving the Council, it is a major project and will be as important as University Square, the Schools, Cedar Center South, etc.

Law Director McConville stated that the City has codified ordinances that call for the granting of Special Use Permits in residential zones for religious uses. The applicant is seeking a special use permit and the code calls for a two step process for that to be granted. The first step is approval before the Planning Commission and the second step is approval by Council.

Mr. Donny Zigdon, 2500 Blossom Lane, Beachwood and Board member of the Lippman Kanfer Family Foundation spoke about the positive affect that the Kolliel has on the youth and how the program has grown. Mr. Zigdon noted how important the Kolliel is for the community, the safety of the community and everybody around it; the Kolliel it can only grow if it has the space.

Mr. Modechai Compton, 4450 University Parkway spoke positively about the Kolliel and stated the Kolliel focuses on family values and his belief that the safety of the community would be enhanced. Mr. Compton thought that in regards to traffic the Kolliel would bring less traffic because the majority live in University Heights and won't have to cross over South Green Road.

Mr. Howard Potash, 2501 Lafayette Drive, 27 year resident comment that his house is directly west from the proposed Kolliel project along with their planned parking lot and garbage facility adjacent to his backyard. Mr. Potash commented that he has lived in University Heights for most of his life and continues to be in this neighborhood because of the uniqueness and beauty of the area. This project presents some difficult issues that would disrupt the nature and serenity of this corner; the adverse effect on his family and the neighbor and the adverse precedent the granting of the variances will set disrupt the harmony and integrity of the City's zoning code and use plan. In summary Mr. Potash stated that the Kolliel is not a proper or fitting use in a quiet residential neighborhood and that should be sufficient enough to decline this request.

Mr. Arieh Friedner, 14500 East Carroll commented that he is in favor of Rabbi Katz and the Kolliel. Mr. Friedner spoke regarding an earlier comment about considering other locations; there really is no other place for the Kolliel to go because of the community and the people who go to the Kolliel.

Mr. Scott Dunlop, 14493 East Carroll voiced his opposition to the granting of the variances based on the extreme nature of the variances.

Ms. Sheila Schiff, 2616 South Green Road, new resident from Orange Village stated her family moved to University Heights for the Kolliel.

Mr. Jud Howard, 14481 East Carroll stated his concern in being opposed to this application is any increase in vehicle or pedestrian traffic in what is an already busy residential street. There are other places already zoned for this.

Mr. Marc Bander, 2500 South Green right next to this proposed Kolliel. Mr. Bander stated that presently he drives to the current Kolliel that's across the street from Heinen's and looks forward to having this beautiful structure next to his home. He added that he's not worried about the variances, the space between the parking lot and his home because this will enhance his family and the whole community.

Unknown, commented that he attends a different Kolliel and spoke in favor of the proposed Kolliel.

Mr. Ben Kess, 14482 East Carroll attends the current Kolllel and has no problems with the proposed Kolllel. Mr. Kess spoke about the school bus traffic and stated that there are several busses because the population goes to a variety of schools; it not just going to the public schools and there are several different private schools the busses go to.

Mr. Revial Muskin, 2532 Lafayette stated that this meeting is about zoning; it's not about the Kolllel, it's not about what the Kolllel does or how people benefit from it. It's about the variances that they are requesting, they are trying to build a large building on a small piece of property and needing to ask for tremendous amount of changes in the zoning laws. Mr. Muskin added that 33 parking spots will not be enough during the winter, yet alone in the summer and during the winter those 33 spots are less than 30 because of the snow. Mr. Muskin concluded is stating that he hoped that Council will vote against the requested zoning variances and vote the project down.

Mr. Stan Fireman, 2583 Rubyvale stated that change is very difficult and in order to progress you have to have change. Mr. Fireman noted that he to worries about the danger for pedestrians, not just for one group of people but in all different groups of people, but this is a sign of progress and change. Mr. Fireman added he thought that one of the things everyone has to do as a group is to do what is best for the group and this group is the community. The Kolllel is positive environment for children and adults to grow and feel secure in a very unsafe world.

A resident from Elmdale spoke in favor of the Kolllel and stated that currently all the institutions are in Beachwood and to have an institution on the University Heights' side stabilizes the area and home values in the area.

A resides who resides in one of the homes that will be torn down if project is approved and is in support of the Kolllel. There are concerns but it is important to look at the bigger picture, let the people who are in favor of the project and in the radius hold their selves accountable to walk if this project is approve. And if that doesn't happen he encourages Council to come back and say there's a problem.

Mr. Bialosky commented that this project has been worked on for about one year, starting with community meetings with the neighbors and that it has been a total open and transparent process. The building is small than the three (3) houses that are currently on the site. This is not a major intervention in the community. Mr. Bialosky spoke in regards to the traffic report, noting that the Police Department has future control to make changes if needed and that the parking requirement that is being placed on this project is not a responsible requirement for this use regards of the fact of whether people are walking or not walking.

Mr. Ertel asked Police Chief Hammett if there is parking on South Green Road, Lafayette and East Carroll.

Chief Hammett replied that there is parking allowed on the University Heights side of Green Road, south of East Carroll but is restricted from 7am to 9am and from 4pm to 6pm; restricted parking is allowed on Lafayette and East Carroll.

Mr. Wiseman asked Chief Hammett how he would characterize the traffic on East Carroll at the Green Road intersection at this point and if there had been a number of accidents in that area.

Chief Hammett stated that he is there often and it doesn't seem too backed up, but it has its moments; typically in the morning when there are schools busses. But it is like any other intersection, the light tends to be long and if the department determines that it needs to be change that can be done along with the City of Beachwood. Regarding the number of accidents Chief Hammett responded that there haven't been a number of accidents at the intersection.

Mrs. Cameron asked the Law Director what the legal aspects should Council use in consideration for adopting a precedence that was mentioned in approving the variances.

Mr. McConville asked if Mrs. Cameron was asking if the City was bound. Mrs. Cameron replied yes.

Mr. McConville continued answer no, because this is a quasi-judicial setting; meaning that this is an evidentiary hearing. Council is taking evidence from the applicant and others; any other party

seeking a variance would have to come before the Council in a quasi judicial hearing also so that they would have the evidentiary burden to meet. In summary each case is specific to its facts and the presentation by the applicant.

Mr. Wiseman stated that he considered himself a delinquent member of the Kollel, meaning to say he's been a member of Kollel in the past. Mr. Wiseman added that he thought he should explain for the people who aren't familiar, exactly what the Kollel is and what it isn't. The other religious institutions on Green Road are built for a specific purpose and the purpose may be during many frequent times of the year where all the members of those synagogues show up in a building that is built for all of them parking isn't need for all of them because most of the time everybody doesn't drive. The days that everybody goes are holidays and usually part of the people drive but most of the people who go during the day actually walk no matter how far it is. But the Kollel is unique in that it is an institution not for that purpose. It's where people can go in the community and learn about Judaism, frankly there are I can't tell you how many books or volumes certainly hundreds of thousands maybe millions of pages of text where if you go at anytime while the Kollel is in full swing you will see guys sometimes discussing, sometimes auguring about what all the text means and what this Rabbi meant and what that Rabbi meant. And the peak times for the Kollel are usually in the evening where you have about 50 or 60 guys there at any one time. Mr. Wiseman added he's never seen it where there are 150 guys in the building at any one time. Some people go on Mondays, some people go on Tuesdays, but it's not really meant to be the gathering place that synagogues are. As far as he's concerned this will be a jewel of the community, there are very few chances we get as Council members to vote in something that makes this community in particular a destination for people coming from other areas in Ohio and from other areas in the Country. No one has ever said - that they're going to University Heights because they have McDonald's, no one has ever said they have a donut shop, I'm going there; but people will look at the town now and say because of this Kollel I'm moving to University Heights. We heard from a realtor, Mr. Wiseman stated he would kill to have the houses in his neighborhood go for whatever property value is and be on a waiting list. There are about three or four empty houses on my street (Baintree) at this point. It's also necessary to point out what the Kollel is quieter than; the Kollel is going to be quieter than the house across the street from me that's loaded with college kids who need to rearrange their cars at 12:00 every night, the Kollel is quieter than group of kids who walk from Temple Emanu El or the annex after the bus closes down on Friday night when they get back from the bar and have to walk all the way to John Carroll, it's quieter than any gas station or car. They've taken plans to make it fit in the community. Initially there will probably be a lot of people driving but my after awhile people are going to say, I'm not even driving there because there aren't that many spaces and I'm going to park somewhere else. The variances are seemingly greater than they are because of the way the code is setup, Mr. Wiseman didn't think that this particular type of institution was ever contemplated by the people who were making this code and noted that he feels for the people who appeared at the podium and talked about the traffic, but in the City such as this; that is built out around communities that are themselves built out and sprawling traffic is a sort of a reality that has to deal with on a continuous basis. Mr. Wiseman ended by saying that he supports the Kollel and is going to recommend that Council votes for it. He appreciated Mr. Bialosky and Rabbi Katz coming before the Council and thought that this posse so much good for the community it can't even be calculated, again there are very few designation items in this community.

Mayor Infeld noted that several people brought up the fact that this is very similar to the John Carroll Jesuit home situation and in that regard she was on City Council when the Jesuit home was approved for construction. And there were some very specific conditions put on that by the City that she wanted the Council to consider them before making a motion of the project. The Jesuit home was in no way similar to this in terms of the variances requested. It was similar in that it was religious, but it was a different religious use, it was a religious residential; nuns would be in a convent, this was something different because the people living there are not women. This is a religious use and has a synagogue so persons have to be clear about this not being exactly the same and again the variance for that piece of property were not the same and were nothing like these variances. The conditions that were placed on that property and imposed on the University at the time of construction required that if the neighboring property suffered any harm in value given the proximity to that Jesuit residence that there was a guarantee that John Carroll University would purchase those homes at the market value. Mayor Infeld stated that, that would be something that she would like Council to consider in terms of this project, if these are called similar projects. Mayor Infeld noted that she just wanted council to know what the conditions were placed on John Carroll when that project was built. This is just factual

information to make it more of an apples to apples comparison so if people are considering this to be the same, please realize that conditions were placed on the University.

Mr. Wiseman wanted to clarify one point about the vacant houses on his street. The Kolliel is in somebody else building now and has been for years. And that building is too small and everybody knows that the Kolliel is not staying there permanently. Mr. Wiseman added that he would venture to guess that if the Kolliel was in that spot and it were permanent that Ms. Shoshanna would be talking about how wonderful Baintree is and maybe not Lafayette, it would be a different vibe if it were to become a permanent structure.

Mr. Sims acknowledged the residents who came out as well as the Beachwood resident to speak on the situation. In the same way that Council is commended for the work that they do, residents who are interested in things should always come out and speak their minds. Therefore, Mr. Sims definitely wanted to acknowledge everyone that was present. We know those who support it, and those who have concerns probably have a perspective that is slightly different and maybe a little bit more less, excuse this word – bias. Mr. Sims continued to say, in what he heard tonight; first he didn't want to discount those voices, and that he shared some of the same concerns. One of the particular concerns that Mr. Sims shared was that this is a project that is putting a facility on a piece of land that is less than 1/3 the size that it should be based on our codes. So Council can argue whether the code should apply or not for parking for use, for space usage but the fact is the code is the code is the code. Mr. Sims noted that he also believes that the city is a fully built community and at times special consideration is appropriate for projects and at times exceptions have to be made in order to accommodate opportunities. This is an opportunity for the community and the community should be one that definitely supports organizations and business' that meet a specific need of the residents and that provide some level of positive contribution to the community and/or enhances the quality and fabric of the City and this project does that. So for those reasons not because the City's code is wrong or not because 100 people came out to speak about the project, but just based on the facts that were heard with respects to the benefits that the project would present to the community inclined Mr. Sims to support the project as well.

Mrs. Pardee noted to the Mayor, that she recalled a meeting a couple years ago because there were so many people attending the Kolliel and that there was a parking challenge amongst some of the area business owners. Mrs. Pardee remembered thinking "this is great, that there's a learning organization and that there is so much going on that people are parking and that there is so much demand." Mrs. Pardee said she was proud that there is a learning organization in University Heights, and that she is thrilled that it is growing to such an extent; furthermore it is exciting and she is very happy that the Kolliel wants to stay in University Heights rather than choosing a location in another city. With that being said; everything has been answered to her satisfaction but she is also very concerned for the neighbors, not just immediately surrounding the location but on nearby streets. When people purchase homes and they are near a school, they can anticipate a certain amount of noise and traffic because they are near a school. If they are near a commercial strip they can anticipate a certain amount of noise and traffic because they knew when they purchased that they were near a commercial strip. The people, who purchased homes in this immediate surrounding area, purchased homes near homes and did not necessarily anticipate this project. However, Mrs. Pardee thought it is a wonderful project, and thought it will be excellent for University Heights and supports it. Mrs. Pardee urged the Kolliel to do everything they could to attend to the thoughts, concerns and questions of the neighbors; meet with them and stay on top of those challenges.

Mrs. Cameron commented that she would expect that she should be the patron saint for projects. Noting that when she brought her home 21 years ago in University Heights, she bought in an area that was clearly a neighborhood, but it was near a commercial corner near Cedar and Taylor. Mrs. Cameron had an expectation that she would be buying in a residential setting but within a year and half of moving in it changed and now she lives directly next to a commercial area, a commercial driveway and the service area of that facility which exist on the two corners; it has been a challenge. So the question for Mrs. Cameron was how progress is balanced, if that is what you would call it. One of the differences Mrs. Cameron stated she was pleased to hear was that everybody in the immediate area of the Kolliel praise the value of having the Kolliel on the bases of what it teaches and on the bases of the service to the neighbors and on the bases of what it can be to the community. That was not so when she brought her property. Of course people were invited to neighborhood meetings regarding the development but no one considered the needs of the neighbors. Mrs. Cameron echoed Mrs. Pardee's sentiments that someone needs to

become the front runner for the needs of the people and the residents in the community and in the immediate area. It would go a long way in making those in the community who are not similarly like-minded comfortable. It would show everyone that the Kolliel is willing to reach out and to consider what the experiences will be for those in the community. Mrs. Cameron ended her comments by stating that she wished that had been done for her and that they didn't have to go with the consequences of the changes by themselves. All of you have the capacity as a community to offer that to the immediate neighbors and hope that you would consider that.

Mr. Ertel added that the Ohio Supreme Court established a practical difficulty test to be utilized by municipalities in determining whether to grant an area variance and noted that he had a few issues regarding this; one of them is whether or not the essential character of the neighborhood would be substantially altered, which Mr. Ertel felt it would because this is an existing residential neighborhood that has a very residential feel and the Kolliel does not. But, Mr. Ertel also stated that he believed that it is very apparent that what goes on in this group and in this community is outstanding all of which outweighs the issue, therefore he supports the Kolliel.

Mr. McConville, City Law Director made a point of clarification and stated even though the variances before Council are contemplating variances from the area requirements, the City's code states that because the consideration is for a special use permit, the city is not actually using that practical difficulty test that Mr. Ertel was referring to. Mr. McConville noted that there is a particular section in the City's code that establishes a test and Mr. Fisher referred to it earlier. Mr. McConville read that section so that Council would have it fresh in their minds. "That the applicant demonstrates a clear benefit to the community and denial will result in an unnecessary hardship to the applicant." And this provision indicates that no variances from any of the requirements of the special use chapter may be granted without the approval of the Planning Commission and the approval of the Council, applying that standard.

Ms. English noted that under the code, houses of worship and religious education are allowed in a residential district. Therefore that is first step and then Council on the recommendation of the Planning Commission can offer special conditions in order to issue the special permit. The Kolliel is being proposed on Green Road, which is one of the streets where it is allowed by the code and is in a similar location of other similar institutions. Ms. English stated that she felt that granting the special permit would resolve the issue of overcrowding in the facility further down on Green Road by Heninen's and it will also help resolve some of the parking in that area. The Kolliel is also benefiting a population that is part of the University Heights community. The Planning Commission heard evidence at their meeting and council heard evidence tonight that families moved to University Heights to take advantage of this institution which has been in our community for 18 years and that desires to stay in University Heights. Ms. English acknowledged that she thought that it's a good project for the city. However, she noted that she has concerns about the traffic in the area. During the Planning Commission meeting Ms. English said she asked the Police Chief if the city should eliminate parking on East Carroll; he assured Council that he and the Mayor will look at the affect on traffic and if it becomes necessary adjustments will be made in regards to parking in that area. Ms. English concluded by saying that she thought the facility would be a benefit to the city and was very much in favor of it.

Mayor Infeld commented that she wanted to make note of one more thing before a motion is made. And, that was that a comment was made by the immediately adjacent neighbor about the location of the dumpster on this property, Mayor Infeld questioned that if a motion is made in favor of this project, could that also be a recommendation about possibly relocating that dumpster away from the two neighboring homes and other conditions that otherwise might not impinge on the neighbor's enjoyment of their property. Mayor Infeld noted that Council does not have to do so but that she was just recognizing that there had been a lot of discussions that tends to pertain to commercial dumpsters.

Mr. Bialosky replied that they are not commercial dumpsters and that there will be probably less trash coming out of this facility than comes out of someone's home. Those are trash cans and we would prefer that that issue be left to the Architectural Review Board, to city staff and the Planning Commission to decide where the trash will be located because it relates to a number of other planning issues – let Joe Ciuni and those guys take that under consideration.

Mayor Infeld informed Mr. Bialosky that the City does not pickup commercial garbage and asked how will the garbage be pickup?

Mr. Bialosky replied that it would be picked up by a separate service and that whether they come into the site or not into the site needs to be determined with the Kolllel. But the Kolllel would be happy to certainly take into account every consideration for the neighbors – the Kolllel will have to come back before the City with final plans and engineering.

Mayor Infeld stated not this board (Council). If the Council approves the project, the project is approved and then it will be up to the City's staff to make it work. In order for the Council to have any control over this type of issue it would need to be included in the motion. For instance, because it's not yet determined whether the Kolllel will use BFI, Waste Management, etc. and that there might be a situation where there's a commercial truck entering to make deliveries or pickups or in this case lifting up the dumpster and having an effect on the adjacent residential areas.

Mr. Bialosky replied that it would be more comfortable if the city were to set hours within a time frame as opposed to actually dealing with something that may have planning impact.

Mayor Infeld replied that she'd let the Council consider that; but, as the Council knows when there are projects that are adjacent to residential properties and when there are, although this is a religious use and might not be considered commercial. For practical reasons in this City things tend to be residential or commercial. The commercial would cover schools, houses of worship.

Mr. Wiseman asked Mr. Bialosky where the dumpster now and if it could be moved to another part of the property? Or are you saying that it will have an effect on too many other things.

Mr. Bialosky stated that if it's moved it will probably have more of an impact on the neighbor. The location where it is currently placed is as far away from everyone as it could be and that seems to be the best spot for putting it. It happens to be a deeper zone but really like to plan that with whoever the trash person is.

Mayor Infeld commented that the condition could be that Council gives the City staff the ability to determine the best location.

Mr. Sims commented that he thought the Mayor's request was a reasonable request, as far as allowing staff to have to ability to determine if it's located in the most appropriate place. Mr. Sims noted that he understood what Mr. Bialosky was saying and that he thought the ARB would definitely weigh in on it, especially if it is something called to their attention. Maybe it can be figured out very easily but it is an important concern.

A resident asked if the project goes through, how high would the fence be and would it be installed prior to the demolition of the existing houses.

Mayor Infeld noted to Council that was something they could consider as a condition in the motion.

Mr. Bialosky responded that he didn't know what the height of the fence would be.

Mayor Infeld suggested to Council that they could look at other development projects regarding the height of fences. Mayor Infeld added that she imagined that the screening would be similar to the screening at the City's community pool with the addition of an evergreen type, Mr. Bialosky had mentioned Cyprus, the evergreen at the pool is Arborvitae. Depending on where you stand the height of the pool fence is either 4', 12' or 5', but Mr. Pokorny would probably have a better sense. Mayor Infeld continued to say another development project that was referenced here was commercial, it was not religious and there was a lot of discussion about the type of buffer between the project end point and the neighboring homes; a lot of consideration given to the fencing and plantings. Mayor Infeld added that these issues were not addressed at all by the Planning Commission, so Council can choose to either address them now or not.

Mr. Bialosky stated that right now this fence is 48" high and noted that if the City wants it to be 5', or want it to be 6' that's not a problem, and can be discussed. The Kolllel will engage the neighbors and will engage the community.

Ms. English stated that her next comment wasn't about the fencing, but sense it is being discussed, a 6' fence might be better for the neighbors to shield any light. Ms. English continued

and asked the Law Director for clarification of the final plans, according to Section 1274.05(a) does require that final plans to come back to the Planning Commission.

Mayor Infeld commented that if that is the case then we don't have to talk about any of these details.

University Heights resident, Mrs. Polster asked if the Kollal a tax exempt institution in University Heights. And, if so then nothing comes into the City such as the property tax revenue, any employee's revenue or whatever, but they will use our services? We have to cover their services in terms of snow removal on the sidewalks and streets. And one other thing that wasn't taken into consideration by the Police Chief and maybe it's changed; but isn't there a school zone in that area of about 500'.

Finance Director Mr. Heiser replied that the City should receive income tax revenue if there are employees there.

Mayor Infeld also commented that Council is aware of a religious institution and the tax status. If the Council determines that this use is good for the community and is for the good of the community; then that is their decision and they have taken into account all of those things. Mayor Infeld added that she believed that the Council is well aware of the tax exempt status. The City is aware that the school buses are picking up in that area. This came up at the last meeting; the Planning Commission and the Police Chief stated that if the project is approved and moves forward parking restrictions may need to change on University Heights side of Green Road and that there may also be changes along East Carroll, but that's to be determined. Mayor Infeld referred to the Law Director regarding the detailed plans being required to go back before the Planning Commission.

Mr. McConville stated that the final site plans will require Planning Commission approval.

Dr. Polster further asked if the definition of community is that the Orthodox Kollal community or the community of the whole of University Heights.

Mayor Infeld noted that what the Council is considering is accepting the recommendation of the Planning Commission to approve this project. If the Council does that then the applicant will provide detailed drawings and plans that will encompass some of these items that were brought up; such as, the location of the dumpster, the height of the fence that Dr. Polster had just mentioned, plantings that Mrs. Pardee mentioned and it will go back to the Planning Commission for further review and then they will make a recommendation based on that. After which it will come back again to this body. The public will have more opportunities to make comments and ask questions, there's more decision making.

Mr. Wiseman motioned that Council approves the Planning Commission recommendation for the approval of the application of the Kollal of University Heights request for a Special Use permit and the required four (4) variances to construct the proposed building for the Kollal located at 2476 – 2492 South Green Road the variances being a: area usage variance of 23%, a minimum lot size variance of 2.27 acres, setback variances of 20' ft zero inches at the west property line, a setback of 10' ft a variance setback at the south property line of 18' ft leaving a setback of 12' ft and variance of 127 parking spaces.

Mr. Sims commented to Councilman Wiseman that there was a condition that was also forwarded with respect to the recommendation and asked if he was including that condition in his motion?

Mr. McConville stated to Mr. Wiseman that he had broad discretion in establishing conditions.

Mr. Wiseman agreed to add to his motion the condition that there be no formal receptions for special events such as weddings, bar/bat mitzvah receptions and asked if there were any other conditions that needed to be added?

Mr. McConville added that the Planning Commission also noted that if the site were ever used for any other purpose it would require both Planning and Council approval.

Mr. Wiseman clarified - for any other purpose other than a Kollel? Mr. McConville replied that was correct.

Mr. Wiseman added to his motion the condition that if the site is ever transfers and used for another condition besides the Kollel that it would require Planning Commission and Council approval before being done.

Mrs. Pardee seconded Mr. Wiseman's amended motion.

MOTION BY MR. WISEMAN, SECONDED BY MRS. PARDEE to approve the Planning Commission recommendation for the approval of the application of the Kollel of University Heights request for a Special Use permit and the required four (4) variances to construct the proposed building for the Kollel located at 2476 – 2492 South Green Road the variances being

1. **23% Variance to the planted area for Area Usage and Frontage Regulations**
2. **2.27% Acre Variance for the Minimum Lot Size**
3. **Yard Variances**
 - **20' ft. West Side Yard Property Line Variance**
 - **18' ft. South Yard Property Line Variance**
4. **127 Parking Space Variance**

AND, with the conditions that no formal receptions for special events such as; weddings, bar/bat mitzvah receptions take place and that if the site ever transfers and/or is used for another condition(s) besides the Kollel that it would require Planning Commission and Council approval before being done. On roll call, all voted "aye."

Mayor Infeld thanked everyone for coming tonight and stated that the next steps once detailed plans are submitted by the applicant would be review by the Architectural Review Board and then another meeting with the Planning Commission all of which have dates yet to be determined.

B. Ordinance 2015-04 Authorizing the Advance of Funds from the General Fund (101) to the Park Fund (206) (second reading)

Mr. Heiser stated that approval of Ordinance 2015-04 will allow for the payment of fees from Braun & Steidl and fees necessary for the development of the new park.

Mr. Wiseman asked Mr. Heiser if there were any bills yet for the work to be done.

Mr. Heiser replied no, but that he needs to have the monies in the fund prior before they are appropriated.

MOTION BY MRS. ZUCKER, SECONDED BY MRS. PARDEE for the passage of Ordinance 2015-04 Authorizing the Advance of Funds from the General Fund (101) to the Park Fund (206). On roll call, all voted "aye."

C. Ordinance 2015-05 Amending Section 1474.10 of the Codified Ordinances - Point of Sale Inspections (second reading)

Building Commissioner Eric Tuck-Macalla stated that current Ordinance states that it is the "sellers" responsibility to obtain the point of sale inspection. But when the property sells via a sheriff sale or some other court action the seller doesn't apply for a point of sale inspection so the building department isn't getting point of sale inspections when these properties are transferred.

Mr. Sims asked how a purchaser would know to approach the City for a point of sale.

Mr. Tuck-Macalla replied that the purchaser wouldn't know that unless the City provided some type of notice at the sheriff sale. Mr. Tuck-Macalla stated that this Ordinance will allow him the opportunity to enforce the point of sale inspection upon receiving a letter of notice from the Sheriff Department about the sale.

Mr. Wiseman suggested that since there is notice of Sheriff Sales a few weeks prior the City could alter the Sheriff and the plaintiff's attorney of this new requirement so that they are on notice.

Mr. Tuck-Macalla replied that that can be done.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL for the passage of Ordinance 2015-05 Amending Section 1474.10 of the Codified Ordinances - Point of Sale Inspections. On roll call, all voted "aye."

D. Motion Authorizing the purchase of Stabilization Equipment from Finley Fire Equipment for the Fire Department

Fire Chief Zook explained that this will be one of the first expenditures using the FEMA grant that the City received and Council accepted in February. The FEMA grant reimburses the City 95% of the total cost.

Chief Zook stated that the stabilization equipment consist of various tools used for rescue typically at the scene of a traffic accident where a vehicle has flipped over.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS Authorizing the purchase of Stabilization Equipment from Finley Fire Equipment as being the lowest and best of the three received bids in the amount of \$21,592 for the Fire Department using FEMA grant funds. On roll call, all voted "aye."

E. Motion Authorizing the purchase of Rescue Extrication Equipment from Howell Rescue Systems for the Fire Department

Chief Zook noted that this purchase will also use the FEMA grant and stated that this equipment includes the cutters, spreaders, etc that are used to get people out of vehicles due to auto accidents. Chief Zook noted that various vendors came in to the Department to demonstration their equipment.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON Authorizing the purchase of Rescue Extrication Equipment from Howell Rescue Systems as being the lowest and best of the three received bids in the amount of \$38,434.50 for the Fire Department using FEMA grant funds. On roll call, all voted "aye."

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

Mayor Infeld reported that there was no need for an executive session.

Directors' Reports

There were no director reports.

Standing Committee Reports:

Building Committee: Chairman Steven Sims reported that the Building Committee will meet on Monday, March 16 at 6:30pm in the Conference Room.

Civic Information Committee: Chairwoman Nancy English stated that there will be a Technology Advisory Commission meet on Tuesday, March 10 at 7pm in Council Chambers.

Finance Committee: Chairwoman Susan Pardee reported that there was a joint Finance Committee/Financial Advisory meeting on Thursday, February 26. The discussion pertained to professional service charges from January 1, 2014 through the current date as well as the City's investment strategy as described by Finance Director Larry Heiser. The next meeting will be within the next 2 to 3 months with the subject matter to be determined.

Governmental Affairs Committee: Chairman Mark Wiseman stated he will schedule a meeting in the next few weeks, as long as it won't conflict with other scheduled meetings.

Recreation Committee: Chairwoman Pamela Cameron reported that the recreation committee met on Wednesday, February 25 and that an activity is planned for the spring pending some approvals and considerations by the Administration. A full report will be given later.

Service and Utilities Committee: Chairwoman Adele Zucker reported that she and Service Superintendant Jeff Pokorny are reviewing the items listed on the Stand Committee agenda.

There were no other standing committee reports.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to adjourn the meeting. On roll call, all voted "aye."

There being no further business to discuss, the meeting was adjourned at 10:29pm.



Susan K. Infeld, Mayor



Kelly M. Thomas, Clerk of Council