



CLEVELAND HEIGHTS

MINUTES OF THE PUBLIC HEARING OF JULY 24, 2006 RE: ORDINANCE NUMBER 44-2006 (PSH)

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:20 p.m.

Edward Kelley, presiding

Council Members present: Dietrich, Evans, Kelley, Montlack, Tumeo, Wilcox

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

Staff present: Carter, Czaga, Downey, Gibbon, Hull, Malone, Mannarino, Niermann
O'Neil, Ruane, Wagner

Topic of discussion included general information pertaining to the City Manager's weekly memo.

Vice Mayor Montlack moved to adjourn into Executive Session at 6:43 p.m. Second by Council Member Tumeo.

Edward Kelley, presiding

Council Members present: Dietrich, Evans, Kelley, Montlack, Tumeo, Wilcox

Council Members absent: Caplan

Mayor Kelley excused the absence of Council Member Caplan.

Staff present: Carter, Czaga, Downey, Gibbon, Hull, Malone, Mannarino, Niermann
O'Neil, Ruane, Wagner

Topic of discussion included property acquisition.

Executive Session concluded at 6:58 p.m.

Following the public hearing, Committee of the Whole resumed at 7:30 p.m. Kara O'Donnell, staff, joined the meeting and Committee of the Whole then adjourned at 9:55 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:12 p.m.

Phyllis Evans, presiding

Council Members present: Dietrich, Evans, Kelley, Montlack, Tumeo, Wilcox

Council Members absent: Caplan

Council Member Evans excused the absence of Council Member Caplan.

Staff present: Carter, Czaga, Downey, Gibbon, Hull, Malone, Mannarino, Niermann
O'Neil, O'Donnell, Ruane, Wagner, Wong

Council Member Evans stated, "I would like to call the Public Hearing to order for the purpose of discussing Ordinance No. 44-2006(PSH). This has come about as a result of the changes through the Ohio Board of Building Standards. As a result, each community has to readjust the regulation. Fortunately, Jevon Hull, who understands this very well, will explain it."

Mr. Hull stated, "The intent is to preserve on the books important wording referring to regulation of paving surfaces and the quality of paving throughout the city. We're losing this with the adoption of the new building codes. We're trying to codify it into the Zoning Code, Chapter 1161, the Off-Street Parking and Loading Requirements. Again, this is not subtracting any language from the requirements already existing in the Building Code. It does include a few references to alternatives. We've done this, in part, to acknowledge that there is a growing and increasing environmental consciousness, but also because of the ever frequent requests that we're receiving by residents to pursue alternatives to the standard paving options. That's the inclusion of new green language references. The alternative paving options previously in the building codes were summarized with a statement, a phrase that said, "or with surfacing equal to or superior to either of these types". The proposed amendment now spells out in general categories exactly what these alternatives are or at least mentions what some of the prominent groupings of alternative pavings are. Many of these alternatives, we should point out, already exist in grandfathered conditions throughout the city. This is not about offering up cheap alternatives for individuals who simply want to save money by sloppily throwing down a lot of gravel. In most cases these alternatives are more expensive than the conventional paving options, so they would need to consider these carefully.

Specifically, for parking lots and circulation isles we now have a reference to what we call structural grass, which has the appearance of grass with a hidden sub-structure to it. It has the strength to support vehicles, but it is generally intended only for areas of occasional use. This would include products that are on the market now such as geo-block and grass pave two. This here, we see as one example of that event, in overflow parking at the Orange Bowl in Miami, where you can see the circulation isles have traditional paving. All of the parking areas then have gone to a grass-paved system. The detail down in the lower right (display) shows that there is a hidden structure just underneath the grass that supports the weight of the vehicle and drains well. For an area this large, it is particularly important in that it reduces the heat-island effect. You can imagine if you were living right across the street in Miami from a large black asphalt parking lot, how much warmer it might get then this option. For private driveways there are now specific references to lattice-paving systems and concrete driving strips. These are concrete systems in different configurations with voids and strips that can be filled with grass or occasionally other substances. They again have the structural strength to support vehicles, but are meant generally for low or moderate traffic areas. This would be an example (display) of some of those alternatives such as the product, Hastings' Checker Block. The difference here is the structure is more visible. Another good example of driving strips, is that coming out of the engineering department by the City of Vancouver, who has been exploring this as an option for their Sustainable Lanes program,

where they're actually tearing out asphalt and concrete throughout the city's residential back lanes replacing them with mixes of driving strips and structured grass.

Finally, we did want to point out that there is now a process of approval for this. Alternative paving proposals come before the ABR, who refer them to the Board of Building Appeals. The Board of Building Appeals has, ironically, just this last week set a precedent for approving these on a case by case basis. The timing of this is nice. In case you don't know, the Kious' residents came before both the ABR and the Board of Building Appeals for a driveway and a turnabout alongside their house using a number of the different materials that we've talked about tonight. That was approved.

The schedule for this would be, after the public hearing tonight, it will probably be reviewed by Planning Commission at the September meeting, and the very next week after that it would come back to council for possible action. Thank you."

Council Member Evans asked for any questions.

Mayor Kelley added, "Just a quick question. How we going to get, if indeed this does pass, through the boards and commission and this council, how are we going to let our residents and the people know that deal with this, that this is the new standard?"

Mr. Hull replied, "Good question."

Mr. Downey interjected, "The primary way, your Honor, would be for a general notice that we would be out through the Focus, etc., because with the September passage of this we'll probably be looking for most of the construction that might use this for next year. So, we'll do something of a general nature in that manner, but as you know, Building Commissioner Carbone develops the project bulletins that are an outline that we give to all contractors who do work in the City of Cleveland Heights that tell them about any changes in ways that the Building Department reviews things. So, if council were to make changes on how to work with fences or how to deal with painting or how to deal with siding, we put out bulletins to all building contractors who do business with us about the new standard. Well, that's exactly what he has in mind to do when this passes. It gives a contractor a step by step process on how to use that in any buildings they may want to develop here in the city."

Mayor Kelley added, "Then I guess in fairness, should we also notify these people at a public hearing and the possible passage by council if they want to have some kind of public input to the process?"

Council Member Tumeo added, "I think that would be an excellent idea."

Mayor Kelley continued, "We've had things before where we've had contractors say, "Why did you do this or why did you raise the rate?" Since September is far away, I don't think it would hurt to do a general mailing to those people that do deal with --"

Mr. Downey replied, "To inform them now prior to this September, that's certainly --"

Mayor Kelley continued, "Two hearing opportunities, one is the Planning Commission and council would consider it as possibly on this date."

Mr. Downey said, "We can get this notice out."

Mayor Kelley said, "I think if council agrees."

Council Member Evans called on Mr. Gibbon.

Mr. Gibbon answered, "I just want to be sure that I understand, Jevon. These changes that are being proposed are not required by the state building code, is that correct?"

Mr. Hull answered, "That's correct."

Mr. Gibbon continued, "And, you mentioned, I thought in your slide, I thought you said and I thought I saw it, something about the ABR and I am wondering how the ABR comes into this or maybe I misunderstood?"

Mr. Hull answered, "My understanding is that any alternatives to the Building Code automatically come before the Architectural Board of Review, but then that those have to get in turn referred to the Board of Appeals as soon as they are denied by the Architectural Board of Review, which is the typical process."

Mr. Gibbon said, "So, under this code, is the Board of Building Code Appeals the same as the ABR?"

Mr. Hull answered, "They are the same body, they take one hat off and put on another."

Mr. Downey said, "If you recall, John, that change was made in legislation two months ago when we were amending the Building Code, making all those changes. The Board of Building Code Appeals membership was changed and it now is represented by the ABR, so that they become the reviewing body."

Council Member Evans stated, "This being a public hearing, I guess this is the time for any questions or concerns from our residents. There being none in attendance, this public hearing is adjourned at 7:23 p.m."

Respectfully submitted,

Phyllis Evans, Council Member
Public Safety and Health Committee Chair

Thomas K. Malone
Clerk of Council

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