CITY COUNCIL MEETING AGENDA
OCTOBER 8, 2019

PLEDGE ALLEGIANCE TO THE FLAG

TIME: __________
ROLL CALL: ALEXANDER, HENRY, HURST, KUMIN, LENTINE, LEWIS, URSU

PRESENT: _______ ABSENT: _______

Motion was made by __________ seconded by __________ to excuse __________

ROLL CALL: ALEXANDER, HENRY, HURST, KUMIN LENTINE, LEWIS, URSU

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion, which motion suspends the Council’s rules requiring three separate readings of legislation, and there will be no separate discussion of these items when so adopted. If any Councilperson desires discussion, the particular item will be removed from the Consent Agenda and will be considered separately by Council with full discussion and individual action therein.

1. Minutes of the City Council Meeting from September 24, 2019.

MOTION

Motion was made by __________ seconded by __________ to accept the Consent Agenda as submitted.
REPORTS:

Mayor David H. Roche:

Fire Chief, Marc Neumann:

Police Chief, Thomas Wetzel:

Building Commissioner, Jim Urankar:

Finance Director, Jim Teknipp:

Recreation Director, Rick Dula:

Economic Development Director, Brian Gleisser:

City Engineer, Lee Courtney:

Service Director, Donald Kerniskey:

Audience:
OLD BUSINESS:  -NONE-

NEW BUSINESS:

RESOLUTION NO.:  93-2019, INTRODUCED BY MAYOR ROCHE, FIRST READING
A RESOLUTION IN SUPPORT OF OHIO HOUSE BILL 252 CREATING THE LAND
REUTILIZATION DEMOLITION PROGRAM.

SUSPENSION:  ___________  ___________
PASSAGE:  ___________  ___________
KEPT ON:  ________ READING IN ________ COMMITTEE

ORDINANCE NO.:  94- 2019, INTRODUCED BY ALEXANDER, FIRST READING
AN ORDINANCE AMENDING CHAPTER 1309 OF THE PROPERTY
MAINTENANCE CODE AT SECTION 1309.05, “GENERAL REQUIREMENTS”,
TO ADD SECTION 301.4, “SAFETY AND SECURITY”, APPLICABLE TO MULTI-
FAMILY BUILDINGS.

SUSPENSION:  ___________  ___________
PASSAGE:  ___________  ___________
KEPT ON:  ________ READING IN ________ COMMITTEE

RESOLUTION NO.:  95- 2019, INTRODUCED BY ALEXANDER, FIRST READING
A RESOLUTION AUTHORIZING A VARIANCE FOR A MULTI-FAMILY
APARTMENT USE AT 621 RICHMOND ROAD (PERMANENT PARCEL NO. 662-
27-049) AS PART OF A MIXED USE DEVELOPMENT.

SUSPENSION:  ___________  ___________
PASSAGE:  ___________  ___________
KEPT ON:  ________ READING IN ________ COMMITTEE

RESOLUTION NO.:  96- 2019, INTRODUCED BY MAYOR ROCHE, FIRST READING
A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH
SPECIALIZED CONSTRUCTION FOR NECESSARY ADDITIONAL WORK TO
REPAIR CITY STREETS PURSUANT TO THE CITY ROAD PROGRAM.

SUSPENSION:  ___________  ___________
PASSAGE:  ___________  ___________
KEPT ON:  ________ READING IN ________ COMMITTEE
ORDINANCE NO.: 97-2019, INTRODUCED BY URSU, FIRST READING
AN ORDINANCE AMENDING ORDINANCE NO. 70-2017, THE PAY ORDINANCE
OF THE CITY, TO ADD PART-TIME POSITIONS FOR ADMINISTRATIVE
ASSISTANCE, ADJUST PAY RANGES, REVISE AND DELETE POSITION
TITLES, AND DECLARING AN EMERGENCY.

SUSPENSION: ___________ ___________
PASSAGE: ___________ ___________
KEPT ON: ___________READING IN _________ COMMITTEE

RESOLUTION NO.: 98-2019, INTRODUCED BY MAYOR ROCHE, FIRST READING
A RESOLUTION AUTHORIZING AN AGREEMENT OF SALE FOR THE
PROPERTY AT 2541 HILLTOP ROAD AND A CONSTRUCTION AGREEMENT
AND FINANCING THEREOF THROUGH THE FEDERALLY-FUNDED
NEIGHBORHOOD STABILIZATION PROGRAM; AND DECLARING AN
EMERGENCY.

SUSPENSION: ___________ ___________
PASSAGE: ___________ ___________
KEPT ON: ___________READING IN _________ COMMITTEE

ADDITIONS:

CORRESPONDENCE:

ADJOURNMENT:
MOTION WAS MADE BY __________ SECONDED BY __________ TO ADJOURN
THIS OCTOBER 8, 2019 CITY COUNCIL MEETING AT _________ P.M.
RESOLUTION NO.       93 -2019

INTRODUCED BY: Mayor Roche

A RESOLUTION IN SUPPORT OF OHIO HOUSE BILL 252 CREATING THE
LAND REUTILIZATION Demolition Program.

WHEREAS, Ohio House Bill 252 was introduced on May 21, 2019 to create the Land
Reutilization Demolition Program to fund the demolition of structures on blighted properties;

WHEREAS, blighted property is property that: (1) poses a direct threat to public health
or safety or has been designated as unfit for human habitation or use; (2) has a tax delinquency
for more than the property is worth; or (3) has several statutorily specified conditions that
collectively adversely affect surrounding property values or limit land use in the area;

WHEREAS, House Bill 252 was introduced by State Representative David Greenspan of
Westlake, supporting the appropriation of $50 million for both FY2020 and FY2021 to fund the
program which will be administered by the Director of the Development Services Agency;

WHEREAS, the Director of the Development Services Agency will be authorized to
award grants to county land reutilization corporations (county land banks) to promote economic,
social and environmental betterment of communities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond
Heights, State of Ohio, that:

SECTION 1. This Council, the Mayor and the administration of the City of Richmond
Heights hereby support Ohio House Bill 252 to fund the demolition of structures on blighted
parcels.

SECTION 2. It is found and determined that all formal actions of this Council
concerning and relating to the adoption of this Resolution were adopted in an open meeting of
this Council, and that all deliberations of this Council and of any of its committees that resulted
in such formal action were in meetings open to the public, in compliance with all legal
requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect and be in force from and after the earliest
period allowed by law.

PASSED: _________________________  _________________________________
                                    David H. Roche, Mayor

APPROVED: ______________________

ATTEST:__________________________  ________________________________
  Betsy Traben                          Eloise Cotton-Henry
  Clerk of Council                      President of Council

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ORDINANCE NO.: 94 -2019
INTRODUCED BY: Alexander

AN ORDINANCE AMENDING CHAPTER 1309 OF THE PROPERTY MAINTENANCE CODE AT SECTION 1309.05, “GENERAL REQUIREMENTS”, TO ADD SECTION 301.4, “SAFETY AND SECURITY”, APPLICABLE TO MULTI-FAMILY BUILDINGS.

WHEREAS, the Planning and Zoning Committee of this Council has reviewed the recommendation of the Commissioner of Building, Zoning and Housing and has determined that the City’s Property Maintenance Code should be amended to add regulations to improve the safety and security of multi-family apartment buildings in the City based on incidents that have occurred at these buildings over the past few years and which are increasing in their frequency;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Codified Ordinance Section 1309.05, “General Requirements”, of Chapter 1309, the “Property Maintenance Code” of the City, is hereby amended to add new Section 301.4, “Safety and security”, and its subparts to provide as follows:

“Section 301.4 Safety and security (added). The owners and managers of all multi-family residential properties shall provide locked security to the interior common areas of all such properties and shall provide a minimal level of safety and security to the properties’ tenants. For purposes of this section, “multi-family residential properties” is defined as those buildings or properties with four or more living units per building accessed from a common entrance and shall be referred to as “property” and/or “properties” in this section 301.4 and all of its subparts. The safety and security required to be provided shall be at minimum the following:

301.4.1 Exterior Property Areas.

301.4.1.1 The owners or managers of all such properties shall make every reasonable and practical effort to remove the ice and snow from areas frequented by the properties’ occupants, including but not limited to parking areas, sidewalks and walkways, trash dumpster areas, and the entire exit travel path -- the walkway or path from every required exit door to a public way.

301.4.1.2 All exterior property areas frequented by the properties’ occupants, including but not limited to parking areas, sidewalks, trash dumpster areas, and the entire exit travel path from every required exit -- the walkway or path from the exit door to a public way -- shall be lit during all hours that the property is occupied by security lighting of an intensity of a minimum of 0.1 foot-
candles and a maximum of 0.3 foot-candles. Only fully-shielded fixtures shall be used for security lighting. Fixtures shall be located to minimize glare, hazards to drivers or light-trespass onto neighboring properties.

301.4.2 **Interior Property Areas.**

301.4.2.1 The owners or managers of all properties shall provide locked security to the interior common areas of all properties. Such common areas, including but not limited to lobbies, corridors, stairways, elevators, mail rooms, and other similar areas shall be accessed only with the use of a key or as approved by the City’s code official, an equally-effective electronic means to prevent unauthorized persons from entering the building on the property. Exit doors shall always remain openable from the inside without any keys, tools or special knowledge required to open the door. A City Division of Fire lock box shall be provided at the entrance designated by the Division of Fire to every secured building.

301.4.2.2 The owners or managers of all properties shall provide and maintain in good working order the resources for emergency personnel, visitors and delivery personnel to notify each individual living unit of their arrival. The system may be either hard-wired or wireless and shall at the minimum provide a two-way voice intercom connection between the main entrance of the building and each individual apartment unit.

301.4.2.3 The owners or managers of all properties shall ensure that all corridors, stairways, lobby areas, and all other common areas of the building are properly lit whenever the building is occupied. Such areas are properly lit when the intensity of the lighting is not less than 1 foot-candle (11 lux) at the walking surface.

301.4.2.4 The owners or managers of all properties shall ensure that all corridors, stairways, lobby areas, and all other common areas of the building are provided with emergency illumination whenever the building is occupied. Such emergency illumination shall be of an intensity of not less than 1 foot-candle at the source, with no point along the path of egress from the building being less than 0.1 foot-candle at the walking surface. Emergency illumination shall be provided with a backup power source which shall be either an emergency generator or battery backup and that will power all emergency fixtures for a minimum period of not less than ninety minutes.

301.4.2.5 The owners or managers of all properties shall ensure that the means of egress elements from the building, which includes the exit access, the exit and the exit discharge as defined in the Ohio Building Code, corridors, stairways, lobbies, sidewalks and all other exit elements of the property shall be maintained at all times in a safe and sanitary manner and in the condition of their
original approval by the City. Areas shall be kept completely free of any stored materials, garbage or trash. No furniture, either temporary or permanent, shall be placed in a required exit pathway. Floor and stair coverings shall be noncombustible and shall have a slip-resistant surface and be securely attached to the floor and stair.”

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _________________________ _____________________________

David H. Roche, Mayor

APPROVED: ______________________

ATTEST:_________________________  ______________________________

Betsy Traben     Eloise Cotton-Henry
Clerk of Council    President of Council
RESOLUTION NO. 95 -2019
INTRODUCED BY: Alexander

A RESOLUTION AUTHORIZING A VARIANCE FOR A MULTI-FAMILY APARTMENT USE AT 621 RICHMOND ROAD (PERMANENT PARCEL NO. 662-27-049) AS PART OF A MIXED USE DEVELOPMENT.

WHEREAS, DealPoint Merrill, LLC (the "Applicant"), for property known as Permanent Parcel No. 662-27-049 (the “Property”) at 621 Richmond Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals, Case No.835, requesting a use variance to Section 1135.02 of the City’s Zoning Code to permit a multi-family apartment use on the Property that is located in a R-2 Single-Family Residential Zoning District in the City, which use is not listed as either a permitted or conditional use in that zoning district but that would be permitted, pursuant to Zoning Code Section 1151.10, to be a portion of a Mixed Use development in a B-2 Regional Business District, but not to exceed 90% of the total floor area of the development;

WHEREAS, pursuant to Section 1185.06 of the Zoning Code, at its September 4, 2019 meeting, the Zoning Board of Appeals ("ZBA") held a hearing with respect to this variance request and the Board unanimously recommended to this Council the granting of the variance;

WHEREAS, pursuant to the Zoning Code, this Case No. 835 was heard by the Planning and Zoning Committee of City Council at its regular meeting on October 1, 2019, at which time a presentation in support of the variance was made by the Applicant's attorney and after discussion, the Committee voted unanimously to recommend to the Council as a whole that the variance be granted with a condition;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: This Council finds the application for the variance set forth in the recitals to this Resolution is supported by a preponderance of reliable, substantial and probative evidence and the Applicant demonstrated an unnecessary hardship in complying with the use regulations of Section 1135.02 of the Zoning Code; and, therefore, this Council conditionally grants the variance request based on the following conclusions of fact:

(a) Although the Property has been included in the R-2 Single-Family Residential District for many years, it has been used for many years as an overflow parking lot for the regional mall, now known as Richmond Town Square.

(b) The Subject Property has no economically viable use under the permitted and conditional use regulations of the R-2 District without a variance because of the location of the Subject Property next to a regional mall, its use as commercial parking for many years, and the
elevation of which is a considerable height above the R-2 single-family parcels to the north.

(c) The variance being sought is the minimum which will afford relief to the Applicant because there are no other economically viable uses which are principally or conditionally permitted in the R-2 Single-Family Residential District and the Applicant is proposing a mixed use development plan as permitted under Codified Ordinance §1151.10 with up to 90% of the total floor area of the development being devoted to multi-family apartments and the remaining minimum 10% of the total floor area devoted to commercial uses.

(d) The essential character of this neighborhood would not be substantially altered and adjoining properties would not suffer interference with their proper future development and rights as a result of the variance because the Subject property has been an paved, commercial retail parking lot for many years, it is adjacent to a regional mall, and the multi-family use will serve as a transition area between the lower and higher intensity uses of the regional mall and the lower intensity uses to the north and to the east of the Property.

(e) The Subject Property has unique and exceptional circumstances and conditions – i.e., its location being located a considerable distance from the public street (Richmond Road) and it being at a considerable elevation above the single-family homes to the north and above the remainder of the Property.

(f) The hardship condition is not created by the actions of the Applicant but is created by the current and projected future commercial use of the adjacent property as a regional retail mall, a large movie theater, a large indoor storage facility, and substantial paved commercial parking.

(g) The purpose, intent, and objectives of the Zoning Code and the City's Master Plan would be observed and the public health, safety and general welfare would not be adversely affected by the granting of the variance because the proposed multi-family apartment use must be part of a proposed mixed use development that is permitted by the Zoning Code on the adjacent parcels that are zoned B-2 Regional Business District and under the Code the plan must include a mix of uses with one use comprising no more than 90% of the total floor area of the mixed use development per Codified Ordinance §1151.10; the adjacent property to the south is a regional mall in a B-2 Regional Business District; and the Subject Property is, therefore, not proper for the development of any economically viable R-2 Single-Family Residential District uses.
Section 2: The grant of the requested use variance is conditioned on the multi-family apartment use being part of a mixed use development under the regulations set forth in Codified Ordinance §1151.10 and specifically subdivision (c) that requires at least 10% of the total floor area of the mixed use development to be commercial and/or public building uses.

Section 3: The Clerk is instructed to mail a copy of this Resolution to the Applicant by certified mail, return receipt requested.

Section 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: This Resolution shall take effect and be in force from and after the earliest period allowed by law which, being an administrative act by this Council, shall go into effect immediately upon its passage and signature by the Mayor.

PASSED: ________________________________

David H. Roche, Mayor

APPROVED: ________________________________

ATTEST: ________________________________

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council
RESOLUTION NO.:       96-2019
INTRODUCED BY:       Mayor Roche

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH SPECIALIZED CONSTRUCTION FOR NECESSARY ADDITIONAL WORK TO REPAIR CITY STREETS PURSUANT TO THE CITY ROAD PROGRAM.

WHEREAS, extra work was needed to be performed while Specialized Construction was performing repairs to the City’s streets pursuant to the City’s 2018 Road Program and which was deemed to be necessary by the City Engineer and the cost of which will exceed the originally authorized contract price of $101,409.00 by $6,539.40, and which original contract price was authorized by this Council; however, work on the 2018 Road Program was also carried out by C.A. Agresta Construction, the cost of whose work came in $35,565.66 less than authorized by this Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The payment of $6,539.40 to Specialized Construction for work on the City’s 2018 Road Program is hereby authorized and the Mayor and Director of Finance are authorized to make any change order to the contract with Specialized Construction in this amount.

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: ____________________________ _________________________________

David H. Roche, Mayor

APPROVED: _________________________

ATTEST:_____________________________ ________________________________

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council