

December 21, 2009

CM 2009-258

**BEACHWOOD CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING
HELD AT BEACHWOOD CITY HALL COUNCIL CHAMBERS, 25325 FAIRMOUNT
BOULEVARD, ON MONDAY, DECEMBER 21, 2009 at 7:00 P.M.**

The meeting was called to order at 7:00 P.M. by Council President Mark I. Wachter.

ROLL CALL: Present: M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs,
M. Mintz, M.I. Wachter
Absent: K.W. Kleinman.
Also Present: M. Gorden, M. A. Cannon, D.A. Pfaff, M.S. Sechrist,
P.J. Kearns, W. Griswold, D.H. Pekarek, T. Kreczko,
K.A. Carmen, V. Adamus, T. Turick, G. Smerigan

APPROVAL OF THE MINUTES OF THE ECONOMIC DEVELOPMENT COMMITTEE MEETING HELD ON
WEDNESDAY, NOVEMBER 25, 2009

Moved by M.D. Arsham, seconded by S. Eisen, that the minutes of the Economic Development Committee Meeting held on Wednesday, November 25, 2009 be approved.

ROLL CALL: Yes: M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs,
M.I. Wachter
Abstain: None.
No: None.
Not Voting: M. Mintz, M.I. Wachter
MOTION ADOPTED – MINUTES APPROVED

APPROVAL OF THE MINUTES OF THE JOINT EXECUTIVE SESSION OF CITY COUNCIL AND THE
PLANNING AND ZONING COMMISSION HELD ON MONDAY, NOVEMBER 30, 2009

Moved by M.I. Wachter, seconded by F.S. Goodman, that the minutes of the Joint Executive Session of City Council and the Planning and Zoning Commission held on Monday, November 30, 2009 be approved.

ROLL CALL: Yes: M.D. Arsham, F.S. Goodman, M.M. Jacobs,
M. Mintz, M.I. Wachter
Abstain: S. Eisen
No: None.
Not Voting: None,
MOTION ADOPTED – MINUTES APPROVED

APPROVAL OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON MONDAY, NOVEMBER
30, 2009

Moved by M.D. Arsham, seconded by F.S. Goodman, that the minutes of the Special Council Meeting held on Monday, November 30, 2009 be approved.

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MAYOR'S REPORT (continued)

facility. The directional drill can excavate up to 500 feet and with an underground reaming device, they can hook up to the cable with the least amount of damage to the surface area. All restoration costs would be the responsibility of InfraSource.

COUNCIL MEMBERS REPORTS

1. Mr. Arsham thanked the audience for attending tonight's meeting on his behalf. Mr. Arsham thanked past Council member, Si Wachsberger, for his foresight in ecological awareness as one of Beachwood's first "Tree Huggers". Mr. Arsham thanked past Council Member, Larry Small, who used to call him "Anyway Marty" because you never knew how he was going to vote, for his contributions in creating a Human Services Office and implementing the City's first EMS rescue vehicle. Mr. Arsham mentioned past Council Member Alice Jacobs, the City's first Councilwoman. Mr. Arsham spoke about Harvey Friedman, former Beachwood Mayor, as his idol and catalyst who annexed over 400 acres of Chagrin Highlands – future home of University Hospital's Ahuja Medical Center and Eaton Corporation; for his love of country, the City of Beachwood, and his dedication. Mr. Arsham stated that although the Charter calls for meetings twice a month, there are often extra meetings each month and that a lot of planning and preparatory work goes into each Council meeting agenda. Mr. Arsham read a poem of thanks to all members of Council.

2. Mr. Kleinman submitted a farewell letter to Mr. Arsham to be read into the record in his absence. Mrs. Turick read the letter on his behalf: "On Martin Arsham's completion of his service as a Beachwood City Council Person." In August of 1995, I was appointed to fill the vacancy on City Council created by the resignation of Mayor Friedman and the appointment of Merle Gorden as Mayor. Many of you may recall the very sad state of affairs as the City prepared to deal with the findings for recovery by the State Auditor and the anticipated litigation of former officials of the City. It was during this period of time that I noticed that Martin Arsham was the most diligent member of Council; a member who scrutinized every document to make sure the City received value for every dollar it expended. I was also most impressed that Marty was able to articulate to his colleagues the case for balance, including fairness and compassionate treatment of our former officials. These two qualities, diligence and compassion, characterize 38 years of Marty Arsham's service to our City. His contribution to the work of the Council will be missed."

DEPARTMENT DIRECTORS

1. Mr. Adamus, the Economic Development Director, stated that the NEGEV Foundation, which bridges relations between northeast Ohio and Israel, is participating in an AgriBusiness Conference in Israel in January. Sure to Grow Company from the Beachwood Business Development Center will also be represented. Mr. Adamus received delegations from Israel in the past week; some were private investors in real estate and some represented unions in Israel. Mr. Adamus also stated that the Beachwood Business Development Center hosted a visit by Secretary of State Jennifer Brunner. He was pleased she selected our

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DEPARTMENT DIRECTORS (continued)

site to visit because of the work we are doing at the Beachwood Business Development Center. Approximately 40 people attended. A press conference was held and a grant was awarded by the Small CM Business Development Center to Cleveland State University which they will use to place a counselor at the Beachwood Business Development Center, at no cost to the City. Mr. Adamus and the Beachwood Business Development Center hosted a visit of foreign and American executives from Babylon, an Israeli company, which makes software for translation services. The goal is to help them locate to Beachwood.

2. Mr. Griswold announced that Life Time Fitness' sales staff will move into their new building on December 28, 2009 and that 8500 memberships have already been sold. Their grand opening is January 7, 2010.

CHAMBER REPORT

1. Mr. Lawrence announced that once a year the Northern Ohio Area Chambers of Commerce select a member who exemplifies the mission of the Chamber. Janet Goodman, of JMG Coaching, started and leads a committee to bring new members up to full participation when they join. She was recognized at a NOAC event and she was awarded the 2009 Beachwood Chamber of Commerce Bright Star Award.

2. The 2010 Pancake Breakfast and WinterFest will be on February 14, 2010 at Beachwood High School.

CITIZEN'S REMARKS

None.

FINANCE COMMITTEE

1. Submitted to Council an Ordinance for the Payment of Certain Claims (Bills).

ORDINANCE NO. 2009-157 - Introduced by Fredric S. Goodman
AN ORDINANCE FOR THE PAYMENT OF CERTAIN CLAIMS (BILLS).

Moved by F.S. Goodman, seconded by M.M. Jacobs, that Ordinance No. 2009-157 be placed on third and final reading.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

FINANCE COMMITTEE (continued)

Moved by F.S. Goodman, seconded by M.M. Jacobs, that Ordinance No. 2009-157 be adopted.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

2. Submitted to Council for the Payment of Certain Claims (Bills).

ORDINANCE NO. 2009-158 - Introduced by Fredric S. Goodman
AN ORDINANCE FOR THE PAYMENT OF CERTAIN CLAIMS (BILLS).

Moved by F.S. Goodman, seconded by M. Mintz, that Ordinance No. 2009-158 be placed on third and final reading.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by F.S. Goodman, seconded by M.Mintz, that Ordinance No. 2009-158 be adopted.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

3. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract with BES of Ohio d/b/a MedGroup for DOT and Non-DOT Drug and Alcohol Testing for the Year 2010 (January 1, 2010 through December 31, 2010); further waiving competitive bidding.

ORDINANCE NO. 2009-159 – Introduced by Fredric S. Goodman
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BES OF OHIO D/B/A MEDGROUP FOR DOT AND NON-DOT DRUG AND ALCOHOL TESTING FOR THE YEAR 2010 (JANUARY 1, 2010 THROUGH DECEMBER 31, 2010); FURTHER WAIVING COMPETITIVE BIDDING.

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A LICENSE TO NORTHEASTERN ITS, LLC FOR THE USE
CM 2009-265

COMMITTEE OF THE WHOLE (continued)

OF THE CITY'S RIGHT-OF-WAY FOR THE INSTALLATION
AND USE OF CONDUIT AND FIBER OPTIC CABLE, AUTHORIZING
THE MAYOR TO ENTER INTO A LICENSE AGREEMENT,
AND DECLARING AN EMERGENCY.

Moved by M.I. Wachter, seconded by M.D. Arsham, that Ordinance No. 2009-162 be placed on third and final reading.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by M.I. Wachter, seconded by M.D. Arsham, that Ordinance No. 2009-162 be adopted.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

PUBLIC WORKS COMMITTEE

1. Submitted to Council an Ordinance accepting a certain bid from Tri-County Concrete for the purchase of Ready-Mix Concrete for 2010.

ORDINANCE NO. 2009-163- Introduced by Martin D. Arsham
AN ORDINANCE ACCEPTING A CERTAIN BID FROM TRI-COUNTY
CONCRETE FOR THE PURCHASE OF READY-MIX CONCRETE FOR 2010.

Moved by M.D. Arsham, seconded by M. Mintz, that Ordinance No. 2009-163 be placed on third and final reading.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

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PUBLIC WORKS COMMITTEE (continued)

Moved by M. Mintz, seconded by M.M. Jacobs, that Ordinance No. 2009-166 be placed on third and final reading.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by M. Mintz, seconded by M.M. Jacobs, that Ordinance No. 2009-166 be adopted.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

5. Submitted to Council an Ordinance accepting a quotation from Becon Truck Services, Inc., for labor to install parts supplied by the City on City owned trucks, without advertising further for competitive bids.

ORDINANCE NO. 2009-167 - Introduced by Mark Mintz
AN ORDINANCE ACCEPTING A QUOTATION FROM
BECON TRUCK SERVICES, INC., FOR LABOR TO
INSTALL PARTS SUPPLIED BY THE CITY ON CITY
OWNED TRUCKS, WITHOUT ADVERTISING FURTHER
FOR COMPETITIVE BIDS.

Moved by M. Mintz, seconded by M.D. Arsham, that Ordinance No. 2009-167 be placed on third and final reading.

ROLL CALL	Yes:	M.D. Arsham, S. Eisen, F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED- RULES SUSPENDED

Moved by M. Mintz, seconded by M.D. Arsham, that Ordinance No. 2009-167 be adopted.

