

January 19, 2010

CM 2010-23

BEACHWOOD CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING HELD AT BEACHWOOD CITY HALL COUNCIL CHAMBERS, 25325 FAIRMOUNT BOULEVARD, ON TUESDAY, JANUARY 19, 2010 at 7:00 P.M.

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

ROLL CALL: Present: F.S. Goodman, M.M. Jacobs, K.W. Kleinman,
B. Linick, M. Mintz, M.I. Wachter
Absent: S. Eisen.
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.

APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON MONDAY, DECEMBER 21, 2009

Moved by M.I. Wachter, seconded by F.S. Goodman, that the minutes of the Regular Council Meeting held on Monday, December 21, 2009 be approved.

ROLL CALL: Yes: F.S. Goodman, M.M. Jacobs, M. Mintz, M.I. Wachter
Abstain: None.
No: None.
Not Voting: K.W. Kleinman, B. H. Linick
MOTION ADOPTED – MINUTES APPROVED

APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON MONDAY, JANUARY 4, 2010

Moved by M.I. Wachter, seconded by K.W. Kleinman, that the minutes of the Regular Council Meeting held on Monday, January 4, 2010 be approved.

ROLL CALL: Yes: F.S. Goodman, M.M. Jacobs, K. W. Kleinman, B.
Linick, M. Mintz, M.I. Wachter
Abstain: None.
No: None.
Not Voting: None.
MOTION ADOPTED – MINUTES APPROVED

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MAYOR'S REPORT

1. Mayor Gorden stated that he met with former councilwoman Alice Jacobs. She painted a rendering of the City Park and Mrs. Jacobs asked if she could donate the picture to the City. Mayor Gorden informed Mrs. Jacobs that he would refer her request to the Building and Grounds Committee and the request would then be referred to City Council. Mrs. Jacobs is currently in Florida and will not be returning to Beachwood until early May. Mrs. Jacobs put her request in writing and the Mayor distributed her request to Council.

2. Mayor Gorden stated that the Beachwood City Schools informed him that Mr. Arsham will be recognized at the January 25, 2010 meeting.

3. Mayor Gorden stated that there was snow and ice damage to City Hall over the last several weeks. Mayor Gorden stated that the snow that was resting on the awnings outside of the Law Department and the awning started to buckle from the weight of the snow and ice. Mayor Gorden stated that the awnings on the second floor are solid and not louvered like the first floor awnings. The City is in the process of obtaining plans from City Architecture to review the original installation of the awnings. Mayor Gorden stated that Service Director Mr. Pekarek is overseeing the project.

4. Mayor Gorden congratulated Sure to Grow from the Beachwood Business Development Center, which were featured in Cleveland Crain's Magazine.

5. Mr. Howard Thompson introduced Dr. Paul Rosman from Life Event Diary, a Business Development Center Client. Dr. Rosman stated that the students at Cleveland State University have been helpful in the development of the Business Plan. Dr. Rosman stated that ability to look for funding at this stage of the development has been very helpful. Life Event Diary is a self-management program for individuals with diabetes. Dr. Rosman stated that diabetes is a disease that individuals have to integrate into their lives in order to manage their diabetes effectively. Dr. Rosman states that individuals become overloaded with dietary restraints, medication and lifestyle changes which become confusing. Dr. Rosman stated that the management of diabetes needs to be placed in the hands of the individual. Dr. Rosman stated that diabetes is a chronic, silent and invisible disease. The Life Event Diary Program is designed to look at life events that have an impact on glucose levels. Dr. Rosman stated that the program is for people over the age of 20 who have Type I and Type II diabetes.

COUNCIL MEMBERS (NON-AGENDA ITEMS)

1. Mr. Mintz thanked Mr. Pekarek and the Service Department for their excellent snow removal this winter.

2. Mr. Mintz wished Law Director Cannon a Happy Birthday.

COUNCIL MEMBERS (NON-AGENDA ITEMS) (continued)

3. Mr. Kleinman stated that a friend of his introduced him to a book which he thinks should be required reading for all members of Council and should also be a part of Mr. Adamus' library. The book is called Start Up Nation. The book was published within the last year by Dan Senor and Saul Singer, who are well know editors of the New York Times and other publications. The book is about why the Israeli economy has flourished in the last number of years in comparison to other economies. The most important item in the book is how they have compulsory service in the military, which is considered to be the most significant element in their ability to have individuals coming out of the military and going into business start-ups and having the business decision making power to innovate. It is a fantastic book and Mr. Kleinman highly recommends the book to everyone.

4. Mr. Linick stated that he had the privilege, along with other Councilmen and the Law Director, to attend the Life Time Fitness tour. Mr. Linick stated that his question might be directed to both Chiefs. The parking has been a real problem and the times that he has been there the cars are parked along the curb cuts and with the snow mounds the parking has been reduced. Mr. Linick stated that he wants to be sure that they still have the required amounts of parking with the snow mounds and that this does not prevent access for emergency vehicles. Fire Chief Kearns stated that this was brought to his attention this week and that Life Time Fitness did contract with a snow removal service to remove the snow. Currently there are 683 available parking spaces. Chief Kearns stated that he has a Fire Inspector randomly checking the parking situation between the hours of 4:00 P.M. and 10:00 P.M.

DEPARTMENT DIRECTORS

1. Mr. Kreczko stated that the Engineering Department is working on a significant construction project for this summer. The project will be brought before Council within the next few weeks. The project is the reconstruction of the Richmond Road-South Woodland intersection to remove the hump and bad pavement. This project will be disruptive to traffic during the summer. The project will start after school closes and will continue mid-June through mid-August. Construction will entail the closing of Letchworth, Brucefield and South Woodland to through traffic. Traffic on Richmond Road will be restricted to one lane in each direction. Mr. Kreczko stated that he will be mailing a notice to the area businesses. Mr. Kreczko stated they did try to obtain State stimulus funding but did not receive an award. Mr. Linick asked about fiber optic under the road. Mr. Kreczko stated that in the scope meeting they are trying to coordinate the work.

2. Mr. Adamus stated that the Lifetime Fitness Grand Opening was held on Thursday, January 7, 2010. Mr. Adamus stated that 250 people have been hired. The final investment figure was \$30 million dollars. Mr. Adamus stated that an Israeli company named Babylon, which has translation and enterprise software that deals with personnel policies and issues, will be returning to town in early February. Babylon is on the Israeli stock market and has had \$25 million in sales. Mr. Adamus stated that Mr. Paul Williams will be assisting in business retention.

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DEPARTMENT DIRECTORS (continued)

Mr. Adamus stated that through a professional business friend he was able to obtain a donation of four desks and a filing cabinet from a group called Professional Travel in North Olmsted. The furniture was given to the Business Development Center. Mr. Adamus has inquired as to a fellow from the Cleveland Executive Fellowship Program. This would be an individual who has already graduated from graduate school and participates and gets paid through the fellowship program and not the City. This is a 10 week placement.

CHAMBER REPORT

1. Mr. Wayne Lawrence, Executive Director of the Beachwood Chamber of Commerce, stated that on behalf of the Beachwood Chamber Board of Directors, its staff and its 550 members, he extended congratulations to Mr. Linick and they look forward to working with him. The Chamber was up 1% in paid membership for 2009 when every Chamber in the surrounding areas was down 5-10%. Mr. Lawrence thanked the residents for their patronage. Mr. Lawrence thanked Mr. Pekarek and the Service Department for keeping the streets clean through the winter. Mr. Lawrence invited the citizens on February 14th to the Community Winterfest and Pancake Breakfast at the Beachwood High School from 8:30 A.M. to 12:30 P.M.

CITIZEN'S REMARKS

1. Mr. Richard Barson
21902 Halworth
Beachwood, Ohio 44122

Mr. Barson stated that at 3:00 P.M. today Congressional Candidate Coakley from Massachusetts has almost conceded and that Massachusetts will have a Republican Senator. Mr. Barson stated that as of yesterday the United States has their full hospital facility operating now in Haiti.

FINANCE COMMITTEE

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

ORDINANCE NO. 2010-23 - Introduced by Kenneth W. Kleinman
AN ORDINANCE FOR THE PAYMENT OF CERTAIN CLAIMS (BILLS).

Moved by K.W. Kleinman, seconded by F.S. Goodman, that Ordinance No. 2010-23 be placed on third and final reading.

ROLL CALL	Yes:	F.S. Goodman, M.M. Jacobs, K.W. Kleinman, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	B.H. Linick
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

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FINANCE COMMITTEE (continued)

Moved by K.W. Kleinman, seconded by F.S. Goodman, that Ordinance No. 2010-23 be adopted.

ROLL CALL	Yes:	F.S. Goodman, M.M. Jacobs, K.W. Kleinman, B.H. Linick, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

2. Submitted to Council an Ordinance amending the Administrative Salary Ordinance for the City of Beachwood, Ohio, including Administrative Pay Grades/Steps and Classifications for Administrative Employees and Appointed Officials.

ORDINANCE NO. 2010-24 - Introduced by Fredric S. Goodman
AN ORDINANCE AMENDING THE ADMINISTRATIVE SALARY
ORDINANCE FOR THE CITY OF BEACHWOOD, OHIO, INCLUDING
ADMINISTRATIVE PAY GRADES/STEPS AND CLASSIFICATIONS
FOR ADMINISTRATIVE EMPLOYEES AND APPOINTED OFFICIALS

Moved by F.S. Goodman, seconded by M.M. Jacobs, that Ordinance No. 2010-24 be placed on third and final reading.

ROLL CALL	Yes:	F.S. Goodman, M.M. Jacobs, K.W. Kleinman, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	B.H. Linick
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by F.S. Goodman, seconded by M.M. Jacobs, that Ordinance No. 2010-24 be adopted.

ROLL CALL	Yes:	F.S. Goodman, M.M. Jacobs, K.W. Kleinman, B.H. Linick, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

3. Submitted to Council an Ordinance authorizing the Mayor to execute an Agreement with the Beachwood Chamber of Commerce for final transition of economic development functions to the City of Beachwood and declaring an emergency.

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FINANCE COMMITTEE (continued)

ORDINANCE NO. 2010-25 - Introduced by Mark I. Wachter
AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT WITH THE BEACHWOOD CHAMBER OF COMMERCE
FOR FINAL TRANSITION OF ECONOMIC DEVELOPMENT FUNCTIONS
TO THE CITY OF BEACHWOOD AND DECLARING AN EMERGENCY

Mr. Linick stated that he spoke with Mrs. Cannon and he is of the opinion that this legislation is not an emergency and he does not feel that it follows the language in the Ordinance although he does agree with the substance of the Ordinance and the dollar amounts therein, Mr. Linick would like to be on the record that the reason that he is voting no is based more on his opinion that this is not an emergency.

Mr. Wachter asked Mr. Linick if he understood the effect of delaying this if it was not declared an emergency? Mr. Wachter stated that it would delay moving this forward for a substantial period of time and the necessity for declaring this an emergency is a legal matter as it is with a number of our other Ordinances. It is clear it is an opportunity to perform these things in a timely fashion instead of waiting an inordinate amount of time.

Mr. Linick stated he understood the reason we do it but believes that he is inclined to follow the State Laws and the City Charter and reserve the right for emergency legislation for an actual emergency. Mr. Linick stated that he understands that this extends the time to pay the bills and Mr. Linick feels that people doing business with the City of Beachwood would understand that there are certain ways that the City needs to operate in paying the bills.

Mr. Wachter stated that businesses would be reluctant to do business with the City on that basis.

Mr. Linick stated that we need to then change the Charter. Mr. Linick does not think that paying a bill is an emergency and feels that businesses will still do business with the City.

Mrs. Cannon stated that she and Mr. Linick discussed this at great length. She clarified that how the Agreement with the City and Chamber works is that the City reimburses the Chamber after it has incurred expenditures. This is part of the conclusion with our undertakings with the Chamber so these are three months of expenditures from the Chamber. Normally, the Finance Director would make those reimbursements in the ordinary course based on the approved budget but the legislation has come to Council for reimbursement because we are attempting to close out all the contractual matters.

Moved by M.I. Wachter, seconded by F.S. Goodman, that Ordinance No. 2010-25 be placed on third and final reading.

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RECREATION AND COMMUNITY SERVICES COMMITTEE (continued)

No: B.H. Linick
Not Voting: None.
MOTION ADOPTED

PLANNING AND ZONING COMMITTEE

1. Submitted to Council an Ordinance amending BCO Sections 1141.10 and 1141.14 to permit public and institutional uses located within areas of the City with a zoning classification of U-5 public and institutional districts to place temporary, vertical banners on utility poles within the City’s right-of-way and to provide standards and requirements for such use.

ORDINANCE NO. 2010-29 - Introduced by Mark I. Wachter
AN ORDINANCE AMENDING BCO SECTIONS 1141.10 AND 1141.14 TO PERMIT PUBLIC AND INSTITUTIONAL USES LOCATED WITHIN AREAS OF THE CITY WITH A ZONING CLASSIFICATION OF U-5 PUBLIC AND INSTITUTIONAL DISTRICTS TO PLACE TEMPORARY, VERTICAL BANNERS ON UTILITY POLLS WITHIN THE CITY’S RIGHT-OF-WAY AND TO PROVIDE STANDARDS AND REQUIREMENTS FOR SUCH USE.

Moved by M.I. Wachter, seconded by K.W. Kleinman that Ordinance No. 2010-29 be placed on first reading and referred to the Planning and Zoning Commission.

ROLL CALL Yes: F.S. Goodman, M.M. Jacobs, K.W. Kleinman,
B.H. Linick, M. Mintz, M.I. Wachter
Abstain: None.
No: None.
Not Voting: None.
MOTION ADOPTED

COMMITTEE OF THE WHOLE

1. Submitted to Council a Motion authorizing the Clerk to cancel the Council Meeting scheduled for Monday, February 15, 2010 and reschedule the Council Meeting for Tuesday, February 16, 2010 due to President’s Day.

Moved by M.Mintz, seconded by M.M. Jacobs that the Motion authorizing the Clerk to cancel the Council Meeting scheduled for Monday, February 15, 2010 and reschedule the Council Meeting for Tuesday, February 16, 2010 due to President’s Day be adopted.

ROLL CALL Yes: F.S. Goodman, M.M. Jacobs, K.W. Kleinman,
B.H. Linick, M. Mintz, M.I. Wachter

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COMMITTEE OF THE WHOLE (continued)

Abstain: None.
No: None.
Not Voting: None.
MOTION ADOPTED

ADJOURNMENT

Moved by M. Mintz, seconded by F.S. Goodman, to adjourn this meeting to Executive Session for the purpose of discussing matters regarding the employment and compensation of personnel and acquisition and disposition of public property.

ROLL CALL: Yes: F.S. Goodman, M.M. Jacobs, K.W. Kleinman,
B.H. Linick, M. Mintz, M.I. Wachter
Abstain: None.
No: None.
Not Voting: None
MOTION ADOPTED

Approved:

Merle S. Gorden, Mayor

Karen M. Navolanic, Clerk of Council

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