

BEACHWOOD CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING HELD AT BEACHWOOD CITY HALL, COUNCIL CHAMBERS, 25325 FAIRMOUNT BOULEVARD, ON MONDAY, SEPTEMBER 19, 2011 AT 7:00 P.M.

The meeting was called to order at 7:03 P.M. by Council President Mark Mintz

ROLL CALL: Present: J. Berns, S. Eisen, F.S. Goodman,
M. Mintz, M.I. Wachter
Absent: M.M. Jacobs, B.H. Linick
Also Present: M. Gorden, R. Schaltenbrand, W. Griswold, P.J. Kearns,
D.A. Pfaff, M.S. Sechrist, K.A. Carmen, D.H. Pekarek,
B. Sellers

APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 6, 2011

Moved by M.I. Wachter, seconded by F.S. Goodman, that the minutes of the Regular Council Meeting held on Tuesday, September 6, 2011 be approved.

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

APPROVAL OF THE MINUTES OF THE EXECUTIVE SESSION HELD ON TUESDAY, SEPTEMBER 6, 2011

Moved by F.S. Goodman, seconded by S. Eisen, that the minutes of the Executive Session held on Tuesday, September 6, 2011 be approved.

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

MAYOR’S REPORT

None.

COUNCIL MEMBER (NON-AGENDA ITEMS)

None

CM 2011-189

DEPARTMENT DIRECTOR'S

1. Mrs. Carmen stated that on Sunday, September 25th the City will hold its 2nd Annual Shred Day from 9:00 A.M. until Noon in the Community Center parking lot. Shred Day is for residents and proof of residency is required. On the same day, from 1:00 P.M. until 3:00 P.M. in the Beachwood Family Aquatic Center parking lot will be Honkin' Haulin Hands on Truck. Both events are free.

CHAMBER REPORT

None.

CITIZEN'S REMARKS

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

Mr. Barson thanked Mrs. Carmen for her patriotic display of flags leading to the entrance of Fire Station No. 1 on Sunday, September 11th. Mr. Barson stated that he was disappointed with the small attendance. Mr. Barson stated that AT&T is available but that the City was not on Channel 99 like the other 13 cities in the area and asked that the City take the steps necessary to be on that channel. Mr. Barson stated that the enlarged exhibit at the Fire Station is unbelievable. On the west wall there are three new large pictures of the towers and above the steel is a two-page New York Times Newspaper picture showing the towers falling, a dramatic scene.

2. Mr. Michael Silver
25495 Bryden Road
Beachwood, Ohio 44122

Mr. Silver stated that he is Co-Chair of Beachwood Residents for Responsible Development. Mr. Silver thanked members of Council for their willingness to meet and listen to what the group had to say. Mr. Silver stated that; as he indicated in the meetings, he will continue his quest to find out the details and the facts and to bring questions forward. Mr. Silver stated that when he went through all the documentation and laid out a timeline he questions whether the project came first or the idea on how to get it done. Mr. Silver asked if any Council member has any connection at all with the legislation that is currently pending to please recuse themselves. Mr. Silver stated that he looks forward to the open dialogue and discussion with Council.

PLANNING AND ZONING COMMITTEE – Public Hearing – 7:15 P.M.

1. Ordinance No. 2011-92 An Ordinance approving the rates and rules and regulations of Woodbran Realty Corporation for the City of Beachwood and authorizing the Mayor to enter into an Agreement with Woodbran Realty Corporation.

Placed on First Reading on: July 18, 2011.
Placed on Second Reading on: August 15, 2011.
Third Reading and Public Hearing on: September 19, 2011
Adopted on: September 19, 2011.

PLANNING AND ZONING COMMITTEE

Mr. Berns recused himself, his brother represents Woodbran Realty Corporation.

There were no remarks at the Public Hearing, Mr. Mintz closed the Public Hearing.

Moved by M.I. Wachter, seconded by F.S. Goodman, that Ordinance No. 2011-92 be adopted.

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| ROLL CALL | Yes: | S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | J. Berns. |

MOTION ADOPTED

CITIZEN'S REMARKS (continued)

- 3. Mr. John Newburger
25436 Halburton Road
Beachwood, Ohio 44122

Mr. Newburger stated that he would like to discuss the traffic situation on Richmond and Bryden Roads. Mr. Newburger stated that there is a lot of work on Chagrin Boulevard and it appears that a new traffic system is being installed. Mr. Newburger stated that he is concerned that when you go north on Richmond Road and need to make a left turn on Bryden Road it is extremely dangerous during rush hour. Cars do not stop and they block the intersection. Mr. Newburger offered three suggestions for the intersection. One, shut it down completely; two, place a patrolman at that intersection during rush hour; and third, change the signal and add a left turn arrow.

- 4. Mr. Brian Lackritz
25453 Bryden Road
Beachwood, Ohio 44122

Mr. Lackritz stated that he is also part of the Committee for Beachwood Residents for Responsible Development. Mr. Lackritz suggested asking the people who live on Bryden what they would prefer at the corner of Richmond and Bryden Roads. Mr. Lackritz stated that the residents would like to have some involvement with traffic, walls, barriers, and egress at that corner. Mr. Lackritz would like to have input before any changes.

PLANNING AND ZONING COMMITTEE (continued)

- 2. Planning and Zoning Committee
P&Z 2011-19 Diane Linick, owner of the property located at 26703 Hurlingham is requesting preliminary and final approval for a lot split for a future proposed single family dwelling.

Mr. Wachter stated that this matter was heard before Planning and Zoning on August 25, 2011, and Mrs. Linick has a property that she would like to divide into two. Currently it is a

PLANNING AND ZONING COMMITTEE

40,000 square foot lot which she is proposing to divide into two. One lot would be 25,000 square feet and the other lot would be 18,000 square feet and both would comply with the minimum lot size in the U-1A-1 district. Mr. Wachter stated that there are no setback problems. One issue that was discussed with Mrs. Linick at the Planning and Zoning meeting is that when a party requests a lot split, they cannot come back at a later date and ask for a variance. Once a particular lot size is created, the applicant cannot come back at a later date.

Moved by M.I. Wachter, seconded by Mr. Berns, that P&Z 2011-19 be adopted.

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| ROLL CALL | Yes: | J. Berns, S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | None. |

MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE

- Submitted to Council an Ordinance for the payment of Certain Claims (Bills).

ORDINANCE NO. 2011-114 – Introduced by Fredric S. Goodman
AN ORDINANCE FOR THE PAYMENT OF CERTAIN CLAIMS (BILLS)

Moved by F.S. Goodman, seconded by S. Eisen, that the rules be suspended and that Ordinance No. 2011-114 be placed on final reading.

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| ROLL CALL | Yes: | J. Berns, S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | None. |

MOTION ADOPTED-RULES SUSPENDED

Moved by F.S. Goodman, seconded by S. Eisen, that Ordinance No. 2011-114 be adopted.

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| ROLL CALL | Yes: | J. Berns, S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | None. |

MOTION ADOPTED

- Submitted to Council an Ordinance authorizing the Mayor to purchase Group-Term Life Insurance, including AD&D coverage, for Administrative Employees and the members of the Dispatch Service Unions, and Short-Term Disability Insurance for Administrative Employees from Consumers Life Insurance Company.

FINANCE COMMITTEE (continued)

Moved by S. Eisen, seconded by J. Berns, that Ordinance No. 2011-116 be adopted.

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| ROLL CALL | Yes: | J. Berns, S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | None. |

MOTION ADOPTED

4. Submitted to Council an Ordinance levying special assessments for the cost of abating certain properties within the City of Beachwood.

ORDINANCE NO. 2011-117 – Introduced by Saul Eisen
 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE
 COST OF ABATING CERTAIN PROPERTIES WITHIN THE CITY
 OF BEACHWOOD

Moved by S. Eisen, seconded by F.S. Goodman, that Ordinance No. 2011-117 be placed on final reading.

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| ROLL CALL | Yes: | J. Berns, S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | None. |

MOTION ADOPTED-RULES SUSPENDED

Moved by S. Eisen, seconded by F.S. Goodman, that Ordinance No. 2011-117 be adopted.

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| ROLL CALL | Yes: | J. Berns, S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | None. |

MOTION ADOPTED

PUBLIC WORKS COMMITTEE

1. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract with Penn Ohio Coal Co., d/b/a Kimble Transfer & Recycling; for the transfer and disposal of solid waste generated within and collected by the City of Beachwood, and declaring an emergency.

ORDINANCE NO. 2011-118 – Introduced by Justin Berns
 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
 CONTRACT WITH PENN OHIO COAL CO., D/B/A KIMBLE TRANSFER &

PUBLIC WORKS COMMITTEE (continued)

RECYCLING; FOR THE TRANSFER AND DISPOSAL OF SOLID WASTE
GENERATED WITHIN AND COLLECTED BY THE CITY OF BEACHWOOD,
AND DECLARING AN EMERGENCY

Moved by J. Berns, seconded by S. Eisen, that Ordinance No. 2011-118 be placed on final reading.

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| ROLL CALL | Yes: | J. Berns, S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | None. |

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Berns, seconded by S. Eisen, that Ordinance No. 2011-118 be adopted.

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| ROLL CALL | Yes: | J. Berns, S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | None. |

MOTION ADOPTED

2. Submitted to Council an Ordinance authorizing the Mayor to purchase one (-1-) CAT 930H High Lift Wheel Loader from Ohio Caterpillar through the State of Ohio Department of Transportation Office of Contract Purchasing Services Cooperative Purchasing Program; and waiving competitive bidding.

ORDINANCE NO. 2011-119 – Introduced by Justin Berns
AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE
(-1-) CAT 930H HIGH LIFT WHEEL LOADER FROM OHIO CATERPILLAR
THROUGH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION
OFFICE OF CONTRACT PURCHASING SERVICES COOPERATIVE
PURCHASING PROGRAM; AND WAIVING COMPETITIVE BIDDING

Moved by J. Berns, seconded by F.S. Goodman, that Ordinance No. 2011-119 be placed on final reading.

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| ROLL CALL | Yes: | J. Berns, S. Eisen, F.S. Goodman, M. Mintz, M.I. Wachter |
| | Abstain: | None. |
| | No: | None. |
| | Not Voting: | None. |

MOTION ADOPTED-RULES SUSPENDED

