

March 15, 2010

CM 2010-56

**BEACHWOOD CITY COUNCIL MINUTES OF THE WORK SESSION AND REGULAR COUNCIL MEETING HELD AT BEACHWOOD CITY HALL, COUNCIL CHAMBERS, 25325 FAIRMOUNT BOULEVARD, ON MONDAY, MARCH 15, 2010 AT 5:30 P.M.**

The meeting was called to order at 5:42 P.M. by Council President Mark Mintz

ROLL CALL: Present: S. Eisen, F.S. Goodman, M.M. Jacobs,  
B. H. Linick, M. Mintz, M.I. Wachter  
Absent: K.W. Kleinman.  
Also Present: M. Gorden, M. A. Cannon, D.A. Pfaff, V. Adamus,  
T. Turick, G. Smerigan

Moved by M. Mintz, seconded by F.S. Goodman, to hold a Work Session for the purpose of discussing matters regarding the Beachwood Business Development Center.

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

The regular Council meeting was called to order at 7:08 P.M. by Council President Mark Mintz.

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

APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 16, 2010

Moved by F.S. Goodman, seconded by M.M. Jacobs, that the minutes of the Regular Council Meeting held on Tuesday, February 16, 2010 be approved.

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



CM 2010-58

MAYOR'S REPORT (continued)

2. Mayor Gorden welcomed Dr. Brian Weiss. Mayor Gorden stated that he has accepted a position as honorary co-chair for the bond levy that is coming up for the schools. The Mayor's duties as honorary co-chair is to gain support for the levy and ask residents to display a yard sign in front of their home.
3. Mayor Gorden stated that a few weeks ago students from Beachwood High School attended a Council Meeting to promote Cleveland Live, a senior project. Mayor Gorden stated that City Council is considering becoming a sponsor.
4. Mayor Gorden stated that he, Mr. Goodman, Mr. Wachter, Mr. Adamus and Mr. Thompson met today with Marc Coles and two representatives from BioForum. BioForum currently has a lease with the City of Beachwood and is renting space at the Beachwood Business Development Center. BioForum presented Mayor Gorden and other members of Council with a thank-you gift which the Mayor stated will be displayed in his office. Marc Coles, the City of Beachwood Israeli-based representative, introduced the two representatives from BioForum. BioForum is the premier provider for biomedical training in Israel.

Mr. Goodman stated that BioForum is a very viable company in Israel. Mr. Goodman stated that when he attended the BioMedical Conference in Israel last June, everyone knows this company and they perform wonderful services.

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

Mr. Smerigan stated that the current house size regulations were adopted by the City in 2002. The Planning and Zoning Commission has recommended a revision of those regulations. The City is currently divided into four districts that regulate maximum house size and each street or block of a street is placed into one of those districts. The Commission has been concerned that a certain amount of updating and expanding in the existing housing stock is both desirable and necessary if the City is to remain a premier residential community in northeast Ohio. Such upgrades cannot reasonably be addressed under the current ordinance.

Mrs. Cannon stated that the setbacks are not changing and that most people build close to the setback line. The Planning Commission is recommending that if you can build within the footprint of the existing setbacks, which we are not expanding, then this is the maximum size that you can build. It would still be possible for someone to come to the Planning Commission and ask for a setback variance. Mrs. Cannon stated that she would expect the Planning Commission to review those applications very closely as they have done in the past.

Mr. Wachter stated that even though the setback is a minimum there is nothing preventing someone from setting it back further. Even though the picture makes the houses look even, there is a maximum house size in terms of height but you can build one story or shorter than that.

CM 2010-59

PLANNING AND ZONING COMMISSION (continued)

Ordinance No. 2009-119 City Council has referred for study and recommendation the proposed Ordinance No. 2009-119 an Ordinance amending the Planning and Zoning Code by deleting Section 1113.06 House Size Districts in its entirety and replacing it with Section 1113.06 Required House Sizes.

**Placed on First Reading and referred to the Planning and Zoning Commission on: October 19, 2010.**

**Placed on Second Reading on: February 1, 2010.**

**Set for Public Hearing on: March 15, 2010.**

**Third and Final Reading and Adopted on: March 15, 2010**

Moved by M.I. Wachter, seconded by F.S Goodman, that Ordinance No. 2009-119 be placed on third and final reading and adopted.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, M.M. Jacobs, B. H. Linick, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		<b>MOTION ADOPTED</b>

MAYOR’S REPORT (continued)

5. Presentation by Messrs. Dale Mitchell and Doug Miller for Eaton. Mr. Dale Mitchell stated that he is Vice-President of Financial Services for Eaton Corporation and Mr. Mitchell introduced Mr. Doug Miller, Executive Vice-President of Jacobs Group. Mr. Mitchell stated that he would like to update Council on the Eaton World Headquarters project. On March 4, 2010, preliminary site plans were submitted to the Planning and Zoning Commission. Mr. Doug Miller stated that the project has been a joint effort between the Jacobs Group, which is the Development Partner at Chagrin Highlands and the Construction Manager for Eaton on this project, along with the Eaton Corporation. Without Eaton’s commitment this project would not be advancing at the pace it is right now. This project is going to be very green and sustainable. This parcel configuration is approximately 53 acres. The center of this building is a 10 story tower and the wings to the right and left are currently planned to be 4 stories high. The projected number of employees is 700.

Mayor Gorden asked Mr. Mitchell to pass congratulations along to Mr. Sandy Cutler for being named Volunteer of the Year for United Way. Mayor Gorden stated that he attended that luncheon and there were approximately 1100 people in attendance.

COUNCIL MEMBERS (NON-AGENDA ITEMS)

1. Mr. Jacobs stated that he and Mr. Linick toured the new Municipal Service Center with Service Director Dale Pekarek which will house the Service Department. Mr. Jacobs stated that he was very enlightened by the work that is being done. Mr. Jacobs stated that he was not aware that so much work was being completed by the Service Department. Mr. Jacobs stated that there are service workers here on the

March 15, 2010

CM 2010-60

COUNCIL MEMBERS (NON-AGENDA ITEMS) (continued)

night shift in case it snows but if it is not snowing they are painting, installing carpeting, doing tile work and moving walls which is a savings to the City.

Mr. Jacobs stated that he and Mr. Wachter attended the first event by Fuchs Mizrachi on Shaker Boulevard. The cost of the new school was approximately \$18 million. Enrollment is 400 students and last evening they were honoring three families; one of the families was Dr. and Mrs. Krendel of the City of Beachwood. Dr. Krendel thanked the Mayor, the Fire Department and all the people who helped with the building,

DEPARTMENT DIRECTORS

1. Mrs. Carmen stated that Congresswoman Marcia Fudge's office called and she would like to establish an Outreach Program wherein she would have a staff member on site one hour a month. Mrs. Carmen stated that she could accommodate that request but would need Council approval. Mrs. Carmen stated that the Rental Regulations state that people cannot use the Community Center more than once a quarter.

Mayor Gorden stated that Belinda Prinz has contacted him to speak with Council and Ms. Prinz is a part of Congresswoman Fudge's staff. Mayor Gorden would like to refer this request to the Recreation and Community Services Committee. Ms. Prinz will be present at the April 5, 2010 Council Meeting.

Mrs. Carmen stated that the U.S. Census Bureau will have a person at the Community Center on Saturday, April 3<sup>rd</sup>, April 10<sup>th</sup> and April 17<sup>th</sup> from 8:00 A.M. until Noon to help any residents with questions regarding the forms.

Mrs. Carmen stated that today was the first day for non-residents to sign up for camp and it is the first time that they have taken in and receipted \$130,000.00 in one day. There are three City camp programs. Sports camp is already a sell through at 54%; they cap out at 175 campers and they are at 93 per session, Bison Camp is at a 63% sell through, averaging 94 campers a week and that camp is capped at 150. Kids Camp is at 82% sold out, averaging 155 campers per week and that is capped at 190.

2. Mr. Adamus stated that he emailed Council a listing of newspaper and other articles regarding the City of Beachwood and Beachwood businesses. Mr. Adamus is working with BioForum regarding interviews.

3. Mrs. Turick stated that the Admission Tax for the City is not a new tax and it has been in place since its adoption in 1964 at 3% and still remains at 3% with no increase. Over the last 20 years the facility at 3600 Park East has been the site of some health and fitness club and they have always been subject to the 3% tax.

CHAMBER REPORT

None.

March 15, 2010

CM 2010-61

CITIZEN’S REMARKS

- 1. Mr. Joseph Kaven  
21715 Halworth  
Beachwood, Ohio 44122

Mr. Kaven stated that he received a notice from NOPEC about there NOPEC residential electric governmental aggregation program. Mr. Kaven called the Ohio Consumers Council in Columbus for their recommendation and they referred him to his local City government. Mr. Kaven would like to know if we are part of the aggregation program and if we are what is the City’s recommendation. There is a coupon on the bottom of the letter that states that if you do nothing then you opt in and if you do not want to be in the program you sign the and return the letter. Mr. Kaven would like guidance as to whether the aggregation program is good for the residents.

Mayor Gorden asked Mr. Kaven for his name and telephone number and informed him that someone would call him to inform him of the process.

- 2. Mr. Richard Barson  
21902 Halworth  
Beachwood, Ohio 44122

Mr. Barson asked Debby Rapoport to take a picture of the chandelier hanging in the Community Center because it is absolutely gorgeous. Mr. Barson stated that his wife found Mrs. Carmen’s favorite green bottle and he will bring it in for her. Mr. Barson said last month his son was at Life Time Fitness and LeBron and Shaq were there.

COMMITTEE OF THE WHOLE

- 1. Submitted to Council an Ordinance appointing Craig S. Cohen as a Member of the Planning and Zoning Commission of the City of Beachwood, Ohio.

ORDINANCE NO. 2010-43 – Introduced by Mark Mintz  
AN ORDINANCE APPOINTING CRAIG S. COHEN AS A MEMBER OF THE  
PLANNING AND ZONING COMMISSION OF THE CITY OF BEACHWOOD, OHIO

Moved by M. Mintz, seconded by M. I. Wachter, that the rules be suspended and that Ordinance No. 2010-43 be placed on final reading.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, M.M. Jacobs, B. H. Linick, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.
<b>MOTION ADOPTED-RULES SUSPENDED</b>		

CM 2010-62

COMMITTEE OF THE WHOLE

Moved by M. Mintz, seconded by M. I. Wachter, that Ordinance No. 2010-43 be adopted.

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

MOTION ADOPTED

Administration of Oath of Office by Law Director Cannon.

2. Submitted to Council an Ordinance confirming the appointment of Brian T. Burke as a Member of the Civil Service Commission of the City of Beachwood, Ohio.

ORDINANCE NO. 2010-44 – Introduced by Mark Mintz  
 AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRIAN T. BURKE AS A  
 MEMBER OF THE CIVIL SERVICE COMMISSION OF THE CITY OF BEACHWOOD,  
 OHIO

Moved by M. Mintz, seconded by F.S. Goodman, that the rules be suspended and that Ordinance No. 2010-44 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M. Mintz, seconded by M. I. Wachter, that Ordinance No. 2010-44 be adopted.

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

MOTION ADOPTED

Administration of Oath of Office by Law Director Cannon.



CM 2010-64

PLANNING AND ZONING COMMISSION (continued)

Moved by B.H. Linick, seconded by M.M. Jacobs that Ordinance No. 2009-139 be adopted as amended.

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

MOTION ADOPTED

2. Submitted to Council an Ordinance amending BCO Section 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 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 SECTION 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 RIGHT-OF-WAY AND TO PROVIDE STANDARDS AND REQUIREMENTS FOR SUCH USE.

**Placed on First Reading and referred to the Planning and Zoning Commission on: January 19, 2010.**  
**Referred back to City Council by the Planning and Zoning Commission on: February 25, 2010.**  
**Placed on Second Reading on: March 15, 2010.**  
**Set for Public Hearing on: April 19, 2010.**

Moved by M.I. Wachter, seconded by M.M. Jacobs, that Ordinance No. 2010-29 be placed on second reading and set for a Public Hearing on April 19, 2010.

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

MOTION ADOPTED





CM 2010-67

FINANCE COMMITTEE (continued)

Moved by M.I. Wachter, seconded by F.S. Goodman, that the rules be suspended and that Ordinance No. 2010-46 be placed on final reading.

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

MOTION ADOPTED – RULES SUSPENDED

Moved by M.I. Wachter, seconded by F.S. Goodman that Ordinance No. 2010-46 be adopted.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, M.M. Jacobs, 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 an Ordinance accepting a donation from Professional Travel, Inc., for furniture and equipment for the Beachwood Business Development Center.

ORDINANCE NO. 2010-47 - Introduced by Brian H. Linick  
 AN ORDINANCE ACCEPTING A DONATION FROM PROFESSIONAL  
 TRAVEL, INC., FOR FURNITURE AND EQUIPMENT FOR THE BEACHWOOD  
 BUSINESS DEVELOPMENT CENTER

Moved by B.H. Linick, seconded by F.S. Goodman, that the rules be suspended and that Ordinance No. 2010-47 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

March 15, 2010

CM 2010-68

COMMITTEE OF THE WHOLE (continued)

Moved by B.H. Linick, seconded by F.S. Goodman, that Ordinance No. 2010-47 be adopted.

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

MOTION ADOPTED

RECREATION AND COMMUNITY SERVICES COMMITTEE

1. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract with Precious Cargo Transportation, Inc., for bus transportation services for the City's Recreation Division 2010 Summer Camps and Programs.

ORDINANCE NO. 2010-48 – Introduced by Saul Eisen  
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH PRECIOUS CARGO TRANSPORTATION, INC., FOR  
BUS TRANSPORTATION SERVICES FOR THE CITY'S RECREATION  
DIVISION 2010 SUMMER CAMPS AND PROGRAMS.

Moved by S. Eisen, seconded by F.S. Goodman, that the rules be suspended and that Ordinance No. 2010-48 be placed on final reading.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, M.M. Jacobs, B.H. Linick, 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. 2010-48 be adopted.

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

MOTION ADOPTED





CM 2010-71

PUBLIC WORKS COMMITTEE (continued)

No: None.

Not Voting: None.

MOTION ADOPTED-RULES SUSPENDED

Moved by B.H. Linick, seconded by M.M. Jacobs, that Ordinance No. 2010-51 be adopted.

ROLL CALL

Yes: S. Eisen, F.S. Goodman, M.M. Jacobs,  
B.H. Linick, M. Mintz, M.I. Wachter

Abstain: None.

No: None.

Not Voting: None.

MOTION ADOPTED

RECREATION AND COMMUNITY HEALTH COMMITTEE

1. Submitted to Council an Ordinance authorizing the Mayor to purchase pool chemicals from the Patterson Pool Companies through the end of the 2010 season for the City of Beachwood Family Aquatic Center, and further waiving competitive bidding.

ORDINANCE NO. 2010-52 - Introduced by Saul Eisen

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE POOL CHEMICALS FROM THE PATTERSON POOL COMPANIES THROUGH THE END OF THE 2010 SEASON FOR THE CITY OF BEACHWOOD FAMILY AQUATIC CENTER, AND FURTHER WAIVING COMPETITIVE BIDDING

Moved by S. Eisen, seconded by M.M. Jacobs, that the rules be suspended and that Ordinance No. 2010-52 be placed on final reading.

ROLL CALL

Yes: S. Eisen, F.S. Goodman, M.M. Jacobs,  
B.H. Linick, M. Mintz, M.I. Wachter

Abstain: None.

No: None.

Not Voting: None.

MOTION ADOPTED-RULES SUSPENDED

Moved by S. Eisen, seconded by M.M. Jacobs, that Ordinance No. 2010-52 be adopted.

ROLL CALL

Yes: S. Eisen, F.S. Goodman, M.M. Jacobs,  
B.H. Linick, M. Mintz, M.I. Wachter

Abstain: None.

No: None.

Not Voting: None.

MOTION ADOPTED



CM 2010-73

RECREATION AND COMMUNITY HEALTH COMMITTEE (continued)

Moved by F.S. Goodman, seconded by S. Eisen, that the rules be suspended and that Ordinance No. 2010-54 be placed on final reading.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, M.M. Jacobs, B.H. Linick, 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. 2010-54 be adopted.

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

MOTION ADOPTED

ECONOMIC DEVELOPMENT COMMITTEE

1. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract with Marc Coles for Professional Services as the Israeli-Based Consultant for the City of Beachwood from January 1, 2010 through December 31, 2010.

ORDINANCE NO. 2010-55 – Introduced by Fredric S. Goodman  
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH MARC COLES FOR PROFESSIONAL SERVICES AS  
THE ISRAELI-BASED CONSULTANT FOR THE CITY OF BEACHWOOD  
FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2010

Moved by F.S. Goodman, seconded by M.I. Wachter, that the rules be suspended and that Ordinance No. 2010-55 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

March 15, 2010

CM 2010-74

ECONOMIC DEVELOPMENT COMMITTEE

Moved by F.S. Goodman, seconded by M.I. Wachter, that Ordinance No. 2010-55 be adopted.

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

MOTION ADOPTED

2. Submitted to Council an Ordinance authorizing the Mayor to provide one (1) standard office space at the Beachwood Business Development Center without rental charge to the Small Business Development Center through December 31, 2010.

ORDINANCE NO. 2010-56 – Introduced by Mark I. Wachter  
AN ORDINANCE AUTHORIZING THE MAYOR TO PROVIDE ONE (1)  
STANDARD OFFICE SPACE AT THE BEACHWOOD BUSINESS DEVELOPMENT  
CENTER WITHOUT RENTAL CHARGE TO THE SMALL BUSINESS DEVELOPMENT  
CENTER THROUGH DECEMBER 31, 2010.

Moved by M.I. Wachter, seconded by F.S. Goodman, that the rules be suspended and that that Ordinance No. 2010-56 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M.I. Wachter, seconded by F.S. Goodman, that Ordinance No. 2010-56 be adopted.

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

MOTION ADOPTED

