

April 5, 2010

CM 2010-77

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

The meeting was called to order at 5:37 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: None.
Also Present: M. Gorden, M. A. Cannon, V. Adamus, H. Thompson,
T. Turick

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

City Council met with representatives from Cleveland State University including Dean Robert Scherer, CSU Nance College of Business Administration, Colette Hart, CSU Nance College of Business, Dr. Oya Turkel, CSU Nance College of Business and Dr. Majid Rashidi, CSU Fenn College of Engineering. Discussion included support and economic development funding for Mercantile Exchange, grants from the Department of Energy for a clean and alternative energy research laboratory.

The Regular Council meeting was called to order at 7:10 P.M. by Council President Mark Mintz.

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

APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON MONDAY, MARCH 15, 2010

Moved by S.E. Eisen, seconded by M.M. Jacobs, that the minutes of the Regular Council Meeting held on Monday, March 15, 2010 be approved.

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MAYOR'S REPORT

2. Mayor Gorden read and presented Alex Dronzek with a Proclamation. Alex Dronzek brought home the Division III State Wrestling Championship title for himself, Beachwood High School and the City of Beachwood. Mayor Gorden proclaimed Monday, April 5, 2010 as Alex Dronzek Day in the City of Beachwood.

3. Mayor Gorden stated that under the leadership of marketing teacher Greg Perry from Beachwood High School and Junior Achievement consultant Karen Carmen from the City of Beachwood, the Beachwood High School Marketing Junior Achievement class is presenting their Third Annual Green Dream Eco-Friendly Showcase to be held on Friday, April 16, 2010 at the Beachwood Community Center.

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

Ordinance No. 2009-151 City Council has referred for study and recommendation proposed Ordinance No. 2009-151, an Ordinance incorporating the recommendations of the Planning and Zoning Commission to provide that future amendments to the Fee Schedule of BCO Section 1329.03, 1329.04, 1329.05 and 1329.06 be reviewed and approved by Council.

Placed on First Reading and referred to the Planning and Zoning Commission on: December 7, 2009.

Referred back to City Council by the Planning and Zoning Commission on: January 28, 2010.

Placed on Second Reading and Set for Public Hearing on: March 15, 2010.

Third and Final Reading and Adopted on: April 5, 2010.

Moved by M.M. Jacobs, seconded by S. Eisen, that Ordinance No. 2010-151 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

Abstain: None.

No: None.

Not Voting: None.

MOTION ADOPTED

Ordinance No. 2009-153 City Council has referred for study and recommendation proposed Ordinance No. 2009-153, an Ordinance amending BCO Sections 1105.01 Administration and Appeals of the City of Beachwood Zoning Code.

Placed on First Reading and referred to the Planning and Zoning Commission on: December 7, 2009.

Referred back to City Council by the Planning and Zoning Commission on: January 28, 2010.

Placed on Second Reading and Set for Public Hearing on: March 15, 2010.

Third and Final Reading and Adopted on: April 5, 2010.

The Public Hearing was called to order.

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

Mr. Griswold stated this Ordinance added the ability to appeal a zoning ordinance. The change permits anyone who has an appeal with the Architectural Board of Review to appeal directly to the Planning and Zoning Commission.

No one wished to speak, and the Public Hearing was closed.

Moved by M.M. Jacobs, seconded by F.S. Goodman, that Ordinance No. 2010-151 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
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

COUNCIL MEMBERS (NON-AGENDA ITEMS)

1. Mr. Eisen stated that he read the 120 pages of the Police Department Annual Report. Mr. Eisen stated that the report covers the accreditation process, technology, investigative units, training, and use of force. Mr. Eisen stated there are also at least three dozen other reports dealing with everything from shoplifting to traffic crashes. Mr. Eisen stated that it is rare that he has ever seen a report so well written and inclusive of everything that has happened with the Police Department in the last year. Mr. Eisen stated everything is listed from warrants served, domestic violence, drugs, assists to the Fire Department, people who lock themselves out of cars and complaints. Mr. Eisen stated that it was eye-opening to see the amount of time and emergencies that the Police Department responds to in a year. Mr. Eisen congratulated Chief Sechrist and his staff.
2. Mr. Linick stated that he read the Finance Report and it was also thorough and very well written.
3. Mr. Linick stated his concern for the amount of foot traffic across Richmond Road between the east and west entrance to the parks. Mr. Linick inquired as to making the crosswalk more noticeable given the amount of foot traffic. Mr. Linick stated many years ago a young girl was killed on her bike and he would like to draw more attention to the crosswalk and to make it safer.
4. Mr. Jacobs stated that there use to be a brick sign for the Beachwood City Parks on the Westside of the street which was hit by a car. Mr. Pekarek stated that the sign is being replaced on Sunday, April 11, 2010.

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DEPARTMENT DIRECTORS

1. Chief Kearns stated that he has been notified by FEMA that the City will be receiving a grant in the amount of \$203,000.00. The grant was filed in 2009 under the assistance to the firefighters grant. This grant was applied for as a communications grant. There is a 5% match that the City will be responsible for. Chief Kearns also stated that we are 1 of 15 communities that will be splitting a grant from the Cuyahoga County Board of Health for \$9,000.00 to make sure the emergency plan for the POD site works cohesively with the county plan.
2. Mrs. Carmen stated that Green Dream is Friday, April 16th in the Community Center from 1:00 PM to 7:00 PM. Mrs. Carmen stated that beginning April 9th through April 25th there will be eight performances of the Princess Snow White. Tickets are \$6.00 for Children and \$7.00 for Adults.
3. Mr. Adamus stated that the 2010 NEO Success Awards were held March 25th. Several Beachwood companies were on that list: Howard Wershbaile & Co.; Predictive Service; and TMW Systems Inc. Mr. Adamus stated that Council earlier this evening met Mr. Jim Kraft, the new Small Business Developers Counselor. This is the Cleveland State Program which was funded through Federal and State money. Mr. Adamus stated that on April 8th they will be hosting a recycling event for business in the Commerce Park area.
4. Mrs. Cannons stated that there is an additional piece of legislation that needs to be added to the Agenda. Mrs. Cannon stated that there will be two Councilmen absent from the April 19th Council meeting and she is asking to cancel that meeting and reschedule at a later date.

Moved by F.S. Goodman, seconded my M.M. Jacobs to cancel the Council Meeting on Monday, April 19, 2010 and reschedule at a later date.

ROLL CALL

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

Abstain: None.

No: None.

Not Voting: None.

MOTION ADOPTED

CHAMBER REPORT

1. Mr. Bill Mann
Beachwood Chamber of Commerce
25550 Chagrin Boulevard, Suite 201
Beachwood, Ohio 44122

Mr. Mann thanked the City of Beachwood for hosting the March Networking Event. The Beachwood Chamber Luncheon will be held on Wednesday, April 14, 2010 at 11:30 P.M. at the Canterbury Golf Club on Woodland Road. The speaker will be Michael Bloom, Artistic Director at the Cleveland Playhouse. The evening Networking Event will be on April 15, 2010 at Todd & Associates, 23825 Commerce Park, Suite A

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CHAMBER REPORT (continued)

in Beachwood. The Beachwood Chamber of Commerce Annual Dinner will be on May 10, 2010 at Embassy Suites, Park East Drive, Beachwood, Ohio.

CITIZEN'S REMARKS

1. Mrs. Rochelle Hecht
2468 Brian Drive
Beachwood, Ohio 44122

Mrs. Hecht stated that the Planning and Zoning Commission has been engaged in discussion regarding options for Commerce Park and would like to schedule a Joint Meeting of Council and the Planning and Zoning Commission.

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

Mr. Barson stated that Friday, April 16th is Green Dream Day and after you attend the festivities please stop by the Beachwood Friends of the Library for the Semi-Annual Book Sale on Friday, April 16th, Saturday, April 17th and Sunday, April 18th. Mr. Barson thanked Service Director Dale Pekarek and his staff for the great job they did this winter in taking care of the city and the streets.

3. Mr. Robert Weiner
24861 South Woodland Road
Beachwood, Ohio 44122

Mr. Weiner stated that he would like to address the residential parking and taking care of commercial vehicles, boats, rvs, and trailers. Mr. Weiner would like the City to take action on this pending item.

ADMINISTRATION OF OATH OF OFFICE

Administration of Oath of Office to Richard Adler by Law Director Margaret Anne Cannon.

FINANCE COMMITTEE

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

ORDINANCE NO. 2010-57 - 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. 2010-57 be placed on final reading.

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FINANCE COMMITTEE (continued)

3. Submitted to Council an Ordinance authorizing the Mayor to renew the Contract with Automatic Data Processing services from July 1, 2010 through July 1, 2012, further waiving competitive bidding.

ORDINANCE NO. 2010-59 - Introduced by Saul Eisen
AN ORDINANCE AUTHORIZING THE MAYOR TO RENEW THE
CONTRACT WITH AUTOMATIC DATA PROCESSING (ADP) FOR
PAYROLL PROCESSING SERVICES FROM JULY 1, 2010 THROUGH
JULY 1, 2012; FURTHER WAIVING COMPETITIVE BIDDING

Moved by S. Eisen, seconded by F.S. Goodman, that the rules be suspended and that Ordinance No. 2010-59 be placed on final reading.

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

MOTION ADOPTED – RULES SUSPENDED

Moved by S. Eisen, seconded by F.S. Goodman, that Ordinance No. 2010-59 be adopted.

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

MOTION ADOPTED

4. Submitted to Council an Ordinance accepting the Proposal of KKSG & Associates to be the Third Party Administrator for the City of Beachwood Workers' Compensation Self-Insurance Program.

ORDINANCE NO. 2010-60 - Introduced by Saul Eisen
AN ORDINANCE ACCEPTING THE PROPOSAL OF KKSG & ASSOCIATES
TO BE THE THIRD PARTY ADMINISTRATOR FOR THE CITY OF BEACHWOOD
WORKERS' COMPENSATION SELF-INSURANCE PROGRAM.

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FINANCE COMMITTEE (continued)

Moved by S. Eisen, seconded by F.S. Goodman, that the rules be suspended and that Ordinance No. 2010-60 be placed on final reading.

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

MOTION ADOPTED – RULES SUSPENDED

Moved by S. Eisen, seconded by F.S. Goodman that Ordinance No. 2010-60 be adopted.

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

MOTION ADOPTED

5. Submitted to Council an Ordinance authorizing the City to negotiate for an electrical supplier for the purchase of electricity for use in municipal buildings, waive competitive bidding, and declaring an emergency.

ORDINANCE NO. 2010-61 - Introduced by Fredric S. Goodman
AN ORDINANCE AUTHORIZING THE CITY TO NEGOTIATE FOR
AN ELECTRICAL SUPPLIER FOR THE PURCHASE OF ELECTRICITY
FOR USE IN MUNICIPAL BUILDINGS, WAIVE COMPETITIVE BIDDING,
AND DECLARING AN EMERGENCY.

Moved by F.S. Goodman, seconded by S. Eisen, that the rules be suspended and that Ordinance No. 2010-61 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

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FINANCE COMMITTEE (continued)

Moved by F.S. Goodman, seconded by S. Eisen, that Ordinance No. 2010-61 be adopted.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, M.M. Jacobs, B.H. Linick, M. Mintz
	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 renewal Contract with Cintas Corporation for the rental of service department uniforms, fender covers, hallway mats (various sizes), and Police Department blankets and coveralls.

ORDINANCE NO. 2010-62 – Introduced by Melvin M. Jacobs
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CINTAS CORPORATION FOR THE RENTAL OF SERVICE DEPARTMENT UNIFORMS, FENDER COVERS, HALLWAY MATS (VARIOUS SIZES), AND POLICE DEPARTMENT BLANKETS AND COVERALLS

Moved by M.M. Jacobs, seconded by F.S. Goodman, that the rules be suspended and that Ordinance No. 2010-62 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M.M. Jacobs, seconded by F.S. Goodman, that Ordinance No. 2010-62 be adopted.

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

MOTION ADOPTED

PUBLIC WORKS COMMITTEE (continued)

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M.M. Jacobs, seconded by S. Eisen, that Ordinance No. 2010-64 be adopted.

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

MOTION ADOPTED

Mrs. Cannon requested a Motion to add the emergency Ordinance regarding the improvement of the South Woodland/Richmond Roads to the Beachwood County line.

Moved by F.S. Goodman, seconded by M.M. Jacobs to add the emergency Ordinance regarding the improvement of the South Woodland/Richmond Roads to the Beachwood County Line.

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

MOTION ADOPTED

3. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract Agreement with the Board of County Commissioners of Cuyahoga County for the Pavement and Rehabilitation of South Woodland Road from Richmond Road to the Beachwood ECL, County ID 1025.

ORDINANCE NO. 2010-65 – Introduced by Melvin M. Jacobs
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF CUYAHOGA COUNTY FOR THE PAVEMENT AND REHABILITATION OF SOUTH WOODLAND ROAD FROM RICHMOND ROAD TO THE BEACHWOOD ECL, COUNTY ID 1025.

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PUBLIC WORKS COMMITTEE (continued)

Moved by F.S. Goodman, seconded by S. Eisen, that the rules be suspended and that Ordinance No. 2010-65 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.M. Jacobs, seconded by F.S. Goodman, that Ordinance No. 2010-65 be adopted.

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

MOTION ADOPTED

4. Submitted to Council a Resolution authorizing the City to participate in a consortium to invite Proposals for recycling processing services.

RESOLUTION NO. 2010-66 – Introduced by Brian H. Linick
A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN A
CONSORTIUM TO INVITE PROPOSALS FOR RECYCLING PROCESSING SERVICES.

Moved by B.H. Linick, seconded by M.M. Jacobs, that the rules be suspended and that Resolution No. 2010-66 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by B.H. Linick, seconded by M.M. Jacobs, that Resolution No. 2010-66 be adopted.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, M.M. Jacobs, B.H. Linick, M. Mintz
	Abstain:	None.
	No:	None.

