

May 3, 2010

CM 2010-92

BEACHWOOD CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING HELD AT BEACHWOOD CITY HALL, COUNCIL CHAMBERS, 25325 FAIRMOUNT BOULEVARD, ON MONDAY, MAY 3, 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: S. Eisen, F.S. Goodman, B. H. Linick,
M. Mintz, M. I. Wachter
Absent: M.M. Jacobs
Also Present: M. Gorden, M. A. Cannon, D.A. Pfaff, M.S. Sechrist,
T. Kreczko, V. Adamus, T. Turick

APPROVAL OF THE MINUTES OF THE ECONOMIC DEVELOPMENT COMMITTEE MEETING HELD ON FRIDAY, MARCH 19, 2010

Moved by F.S. Goodman, seconded by M.I. Wachter, that the minutes of the Economic Development Committee Meeting held on Friday, March 19, 2010 be approved.

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

APPROVAL OF THE MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, APRIL 5, 2010

Moved by F.S. Goodman, seconded by S. Eisen, that the minutes of the Executive Session held on Monday, April 5, 2010 be approved.

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

APPROVAL OF THE MINUTES OF THE WORK SESSION AND REGULAR COUNCIL MEETING HELD ON MONDAY, APRIL 5, 2010

Moved by F.S. Goodman, seconded by S. Eisen, that the minutes of the Work Session and Regular Council Meeting held on Monday, April 5, 2010 be approved.

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

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COUNCIL MEMBERS (NON-AGENDA ITEMS) (continued)

4. Mr. Mintz stated that Mr. Brian Weiss and Mr. David Ostro from the School Board were present this evening.

DEPARTMENT DIRECTORS

1. Mr. Pfaff stated that Moody's Investors has recalibrated the rating system for municipalities and as part of that process the City's Bond Rating is now AAA.

2. Mr. Adamus encouraged everyone to vote yes on Issue 1 which is a state wide fund which would renew the Third Frontier Program which provides funding for entrepreneurial and high technology businesses in the State of Ohio. Mr. Adamus stated that he met today with Councilman Goodman, staff and several representatives from Cleveland State University to look at opportunities for new activity at the City's new building and the possibility of additional funding. Mr. Adamus stated that on Monday, May 10, 2010 the Beachwood Chamber of Commerce will hold their Annual Dinner at Embassy Suites.

3. Mr. Goodman stated that one of the individuals who visited the Mercantile building was Dr. George Walker, a physicist, who has a strong background and we feel this will be a continued collaboration. Mr. Goodman stated this is all related to economic development such as labs and renewable energy within the Engineering Department of Cleveland State University.

4. Mrs. Turick stated, on behalf of Mrs. Carmen who could not be present this evening, the Census participation in Ohio has been 76%, Cuyahoga County has been 72% and Beachwood is at 80%.

5. Chief Sechrist stated that within the next few weeks police reports will be available on-line on the Police Department's web page. People who need to obtain copies of motor vehicle accident reports for insurance purposes will be able to access that link on the web page and incident reports will also be on line.

6. Mrs. Cannon stated that Mr. Eisen and Mr. Linick as members of the Building and Grounds Committee have requested that we amend the Agenda to include a Motion to accept a work of art to be donated to the City by former Councilwoman Alice Jacobs.

CHAMBER REPORT

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

Mr. Mann stated that the Chamber representatives have returned from a wonderful trip to China which included stops in Beijing and Shanghai.

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CHAMBER REPORT (continued)

Mr. Mann stated that the Beachwood Chamber of Commerce Annual Dinner is scheduled for Monday, May 10, 2010 at the Embassy Suites. Mr. Mann stated that on May 27th the Beachwood Chamber of Commerce in partnership with the Cleveland Clinic is holding a Community Health and Awareness Event at the Cleveland Clinic Beachwood Family Health Center at 26900 Cedar Road. The event will offer free screening for a healthy heart, BMI, grip strength, bone density and some other health concerns. There is no charge for the event and everyone is welcome.

CITIZEN'S REMARKS

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

Mr. Barson stated that he received a letter today that the President has pledged to the estimated twelve million illegal immigrants in the United States an amnesty which he calls the path to citizenship. Mr. Barson stated that Mexican social security recipients will have a layer of protection from benefit cuts that United States citizens do not have. This Mexican-United States Social Security Treaty would make non citizen immigrants eligible to draw benefits based on illegal earnings. Mr. Barson is of the opinion that in Congress, the Senate showed a totally disregard for older Americans by voting 51-49 in favor of letting illegal aliens collect social security benefits based on work they performed illegally. This agreement would also cover spouses and dependents.

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

Ordinance No. 2010-29 City Council has referred for study and recommendation proposed Ordinance No. 2010-29, 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 district to place temporary, vertical banners on utility poles within the City's right-of-way and to provide standards and requirements for such use.

Mr. Wachter stated that these banners must be along or adjacent to the property owners property and cannot be off-site and permission will be needed from both the property owner and the owner of the pole. These will be vertical banners typical of the type of banner you would see in University Circle. Only one vertical banner is permitted per pole and they will be permitted for a maximum of one year. Applicants must have the permission of the owner, for instance if it is a tenant situation. The applicant must maintain the banner and if not then the City can remove the banner.

Mr. Eisen stated that he does not agree with the one year allowance for temporary banners because in one year's time with inclement weather there could be wear and tear on the banner and it then becomes a burden on the City to inspect the banners. Mr. Eisen suggests a six month limit. Mr. Wachter questioned the

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

investment that the institutions would have to make for only a six month period could be an issue. Mr. Wachter stated that they could reapply after six months if the banner is in good shape. Mr. Wachter also stated that the City reserves the right to remove the banner if it is in need of repair. Mr. Wachter suggested that after the first six months we could look at the banner and possibly revisit the Ordinance if necessary.

Mr. Eisen suggested that we send this Ordinance back to the Planning and Zoning Committee to discuss the language. Mrs. Cannon stated that we will keep it on third reading.

Moved by S. Eisen, seconded by M.I. Wachter, that Ordinance No. 2010-29 be placed on third reading.

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

MOTION ADOPTED

Placed on First Reading and referred to the Planning and Zoning Commission on: January 19, 2009.

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 and placed on Third Reading on: April 19, 2010.

The Public Hearing was called to order.

COMMITTEE OF THE WHOLE

Mr. Mintz stated how lucky we are as a City that 14 amazing individuals applied for the vacant Council seat. If there was one thing that was echoed in the process was all the positive things that everyone spoke about in Beachwood. There were no negative comments throughout this process, just fresh ideas to keep Beachwood the envy of all other cities in the State. As a Council person we are often required to make tough decisions; no matter what decision we make, there are many times people feel differently about what we ultimately decide. For those of us sitting up here tonight, we strive to do the best for our City and all its residents. This evening is especially difficult because all of the candidates bring fresh ideas and expertise to the table. Mr. Mintz believes that we all believe that the City would be well served with each and every candidate. He hopes that the candidates stay involved or become more involved because we need more people like you to keep Beachwood as the best place to live, learn and raise our families. Thank you all again for applying.

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COMMITTEE OF THE WHOLE

1. Submitted to Council an Ordinance appointing Justin Berns to fill the unexpired term of Kenneth W. Kleinman

Mr. Linick congratulated Justin Berns.

Mr. Goodman stated that he would like to echo what Mr. Mintz said in that it was so gratifying to have all of the candidates apply. Some people we knew well and some we did not but it was truly a wonderful experience and the number of people who want to serve in some capacity with the City of Beachwood is wonderful. Mr. Goodman thanked everyone for going through the process and putting yourself out there.

Mr. Wachter stated that any of the 14 people interested could have served on Council and it was very gratifying to see and we hope that you serve in some capacity with the City and stay interested.

ORDINANCE NO. 2010-69 – Introduced by Mark Mintz
AN ORDINANCE APPOINTING JUSTIN BERNS TO FILL THE
UNEXPIRED TERM OF KENNETH W. KLEINMAN

Moved by M. Mintz, seconded by S. Eisen, that the rules be suspended and that Ordinance No. 2010-69 be placed on final reading.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, 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 S. Eisen, that Ordinance No. 2010-69 be adopted.

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

MOTION ADOPTED

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FINANCE COMMITTEE (continued)

Moved by M.I. Wachter, seconded by S. Eisen, that Ordinance No. 2010-70 be adopted.

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

MOTION ADOPTED

3. Submitted to Council an Ordinance amending appropriations for current expenditures and other expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2010, January 1, 2010 to December 31, 2010.

ORDINANCE NO. 2010-71 - Introduced by Fredric S. Goodman
AN ORDINANCE AMENDING APPROPRIATIONS FOR CURRENT
EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BEACHWOOD,
STATE OF OHIO, FOR THE FISCAL YEAR 2010, JANUARY 1, 2010 TO
DECEMBER 31, 2010.

Moved by F.S. Goodman, seconded by S. Eisen, that the rules be suspended and that Ordinance No. 2010-71 be placed on final reading.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, 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. 2010-71 be adopted.

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

MOTION ADOPTED

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PLANNING AND ZONING COMMISSION

P&Z 2010-10 The Richard E. Jacobs Group, Inc., Project Manager, acting on behalf of the owner, Eaton Corporation, is requesting preliminary site approval of the proposed corporate office, in addition to a variance to the Beachwood Codified Ordinance for parking.

Mr. Wachter stated that anytime there is a plan submitted for preliminary approval any variances other than residential come before Council for approval. This property is in U-10 and there are no specific regulations with respect to setback and those were handled by the Planning and Zoning Commission and the preliminary approval was granted. There are requirements however, with respect to parking and this particular site needed a parking variance. Mr. Wachter stated that Mr. Dominic Salamon, Vice President of Engineering for the Richard E. Jacobs Group was present to answer any questions. Mr. Wachter stated that because of the building size the building requires 2,564 spaces. The building population will only be 1,272 spaces. They will not need that parking all of the time. These spaces are land banked and although they are not being required to be built at this time the land has to be set aside to be available in case the City determines the need in the future.

Mr. Wachter stated that the total required 2,564 spaces is based on the current configuration of the building. If the building size were to increase because of an additional wing then the whole project would be reanalyzed to see what the numbers look like.

Moved by M.I. Wachter, seconded by F.S. Goodman, that Ordinance No. 2010-10 be adopted.

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

MOTION ADOPTED

PUBLIC WORKS COMMITTEE

1. Submitted to Council an Ordinance accepting a certain bid from Tri Mor Construction Company for the 2010 Richmond Road Widening and South Woodland Resurfacing Project.

ORDINANCE NO. 2010-72 - Introduced by Brian H. Linick
AN ORDINANCE ACCEPTING A CERTAIN BID FROM TRI MOR
CONSTRUCTION COMPANY FOR THE 2010 RICHMOND ROAD
WIDENING AND SOUTH WOODLAND RESURFACING PROJECT.

Moved by B.H. Linick, seconded by M.I. Wachter, that the rules be suspended and that Ordinance No. 2010-72 be placed on final reading.

ROLL CALL	Yes:	S. Eisen, F.S. Goodman, B.H. Linick, M. Mintz, M.I. Wachter
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LEGAL AND PERSONNEL COMMITTEE (continued)

Moved by S. Eisen, seconded by F.S. Goodman, that Ordinance No. 2010-74 be adopted.

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

MOTION ADOPTED

COMMITTEE OF THE WHOLE

2. Submitted to Council a Motion authorizing the Clerk to cancel the June 7, 2010 Council Meeting and hold one Council Meeting in the month of June to be held on Monday, June 21, 2010; cancel the July 6, 2010 meeting and hold one Council Meeting in the month of July to be held on Monday, July 19, 2010; and cancel the August 2, 2010 Council Meeting and hold one Council Meeting in the month of August to be held on Monday, August 16, 2010; and schedule the Council Meeting for Tuesday, September 7, 2010 in lieu of Monday, September 6, 2010 due to the Labor Day holiday.

Moved by F.S. Goodman, seconded by M.I. Wachter, that the Motion authorizing the Clerk to cancel the June 7, 2010 Council Meeting and hold one Council Meeting in the month of June to be held on Monday, June 21, 2010; cancel the July 6, 2010 meeting and hold one Council Meeting in the month of July to be held on Monday, July 19, 2010; and cancel the August 2, 2010 Council Meeting and hold one Council Meeting in the month of August to be held on Monday, August 16, 2010; and schedule the Council Meeting for Tuesday, September 7, 2010 in lieu of Monday, September 6, 2010 due to the Labor Day holiday be adopted.

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

MOTION ADOPTED

BUILDING AND GROUNDS COMMITTEE

1. Submitted to Council a Motion to amend the Agenda and accept as a donation the painting by Alice Jacobs.

Moved by F.S. Goodman, seconded by M.I. Wachter, that the Motion to accept the painting by Alice Jacobs be adopted.

