

Moved by M. Mintz, seconded by M.M. Jacobs, that the minutes of the Committee of the Whole Executive Session held on September 21, 2015 be approved.

CM 2015-290

ROLL CALL:	Yes:	M.S. Horwitz, A. Isaacson, M.M. Jacobs, J. Pasch, M. Mintz
	Abstain:	None.
	No:	None.
	Not Voting:	F.S. Goodman.

MOTION ADOPTED

APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON
SEPTEMBER 21, 2015.

Moved by M.S. Horwitz, seconded by A. Isaacson, that the minutes of the Regular Council Meeting held on September 21, 2015 be approved.

ROLL CALL:	Yes:	M.S. Horwitz, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	F.S. Goodman.

MOTION ADOPTED

APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE EXECUTIVE
SESSION AND COMMITTEE OF THE WHOLE MEETING HELD ON SEPTEMBER 1, 2015.

Moved by M.M. Jacobs, seconded by M. Mintz, that the minutes of the Committee of the Whole Executive Session and Committee of the Whole Meeting held on September 1, 2015 be approved.

ROLL CALL:	Yes:	F.S. Goodman, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	M.S. Horwitz.

MOTION ADOPTED

MAYOR'S REPORT

Mayor Gorden asked for a moment of silence for Muriel Rivchun, a longtime resident of the City of Beachwood.

COUNCILMEMBER REPORTS (NON-AGENDA ITEMS)

Mr. Jacobs asked Mrs. Carmen about the sweaters wrapped around the trees.

Mrs. Carmen stated that the Peter Max Exhibit will be here from October 16th through October 25th and Peter Max will be here on October 24th and October 25th to present a painted picture of a Beech tree to the City on October 24th at 5:30 P.M. Mrs. Carmen stated that there are 54 wrapped trees along the median and it is to welcome back Peter Max.

COUNCILMEMBER REPORTS (NON-AGENDA ITEMS)(continued)

Mr. Pasch stated that he would like to speak to the last Planning and Zoning meeting where General Growth presented a change to their landscaping plan and that plan was approved by the Planning and Zoning Commission. Mr. Pasch stated that it was his understanding that General Growth, prior to coming to the Planning and Zoning meeting, decided to begin chopping down trees due to a conversation they had with CEI before obtaining permission from the Planning and Zoning Commission.

Mr. Pasch stated that the Council representative on the Planning and Zoning Commission, Councilman Mark Wachter voted no. Mr. Pasch stated that there is a reason why the City has protocols and you cannot just break them because you need to get something done in a timely manner. Mr. Pasch stated that these protocols are there for a reason and in order to respect both the agreements that were reached with this body and General Growth and future agreements, it is crucial that rules and laws are followed. Mr. Pasch stated that it was beyond disappointing to see General Growth not follow these rules and laws.

Mr. Pasch stated that he understands from the meeting that General Growth apologized and promised new trees will be planted but it does not negate the fact that they went ahead and acted prior to obtaining permission to act. Mr. Pasch stated that he would like to discuss as a Council how we are going to prevent anything like that from happening in the future because it is unacceptable behavior.

Mr. Pasch stated that he would also like to talk a few minutes about gun safety laws in the United States, Ohio, and what he thinks we can do at the local level to strengthen the laws to prevent potential tragedies. Mr. Pasch stated that this is an issue that he talked about a little over a year ago while campaigning, and an issue he continues to feel strongly about. Mr. Pasch stated to those who believe that this is a national issue, and not a local one, he would respond by saying that it has become a local issue due to the lack of inaction at the nation and state level.

Mr. Pasch stated that as we are all aware by now, this past week in Oregon, in a small city of 21,000 plus residents there as a mass shooting that left nine dead and this is just the latest in a constant stream of mass shootings throughout the United States. Gun violence is not an urban issue or suburban or rural issue – it happens everywhere, and it deserves our attention and our combined solutions.

Mr. Pasch stated that in the last few years there have been the following incidents to name a few:

- Aurora, Colorado Movie Theater: 12 killed and 70 wounded
- Chardon, Ohio School: 3 killed and 2 wounded
- Oakland, California University: 7 killed and 3 wounded
- Seattle, Washington Café: 6 killed and 1 wounded
- Oak Creek, Wisconsin Sikh Temple: 6 killed and 4 wounded
- Minneapolis, Minnesota workplace: 6 killed and 2 wounded
- Newtown, Connecticut Sandy Hook School: 26 killed and 2 wounded
- Santa Monica, California College: 5 killed and 4 wounded
- Washington Navy Yard: 12 killed and 3 wounded

COUNCILMEMBER REPORTS (NON-AGENDA ITEMS)(continued)

Marysville, Washington School: 4 killed and 3 wounded
Charleston, South Carolina Church: 9 killed and 1 wounded
Chattanooga, Tennessee Navy Base: 5 killed and 2 wounded

To understand the scope of the issue of gun violence in the country, we need not look past the numbers. Mr. Pasch stated that if you define a mass shooting as a shooting in where four or more people are shot, since the shooting in Newtown, there have been 994 such events and the result has been the death of 1,236 people. Mothers, fathers, brothers, and sisters who have lost their lives.

Mr. Pasch stated that firearms are the cause of death in more than 33,000 people in America each year according to the CDC (this includes accidental discharges, murders and suicides) and those numbers are increasing in states with lax gun laws.

Guns kill more people in America every six hours than terrorist attacks did in the entire year of 2014. This year the country is on track to break more gun violence records, as there have been over 39,000 firearm incidents according to the Gun Violence Archive and 9,940 people have been killed. Of those, 550 were children and 1,962 were teenagers.

Mr. Pasch asked what makes gun violence solutions particularly unique in American governance is that in the face of this much tragedy and hard scientific data, people have chosen not to act, or in some cases react in the nonsensical manner of loosening instead of strengthening the gun safety measures.

Mr. Pasch stated that in almost any other situation in this country, when lives are threatened, we react in a way that protects lives, even if it means restricting some individual freedoms. For example, when this country was attacked on September 11th we swiftly passed the Patriot Act and we have since reauthorized that Act in order to save lives. Mr. Pasch stated that this is a society where we have “shared benefits, shared values and shared responsibility,” and sometimes we sacrifice some of those individual benefits for the shared benefit of community safety. Yet when it comes to guns too often elected officials have bowed down to the gun lobby and have been unwilling to have hard conversations.

Mr. Pasch stated that there has been hard data that shows that states with stricter gun control laws suffer fewer deaths from gun related violence. States with assault weapon bans, trigger locks, or safe storage requirements have lower levels of incident. Mr. Pasch stated that these are not opinions, they are facts.

Mr. Pasch stated that the Federal government in the wake of mass shootings of children could not even pass more stringent background checks when 90 percent of the American populous in in Agreement. Mr. Pasch stated that on the State level, there is a legislature that has introduced House Bill 48 that was approved with a 9 to 2 vote by the Ohio House State Government Committee to move forward legislation to allow concealed carry handguns to be taken into places of worship, day-care centers, state buildings, and airports outside of security checkpoints. The legislation would further allow conceal carry permit holders to take handguns into school safety zones if the firearms are left in the car. In addition, public and private universities and colleges would also be given the choice of allowing concealed carry handguns on campus.

COUNCILMEMBER REPORTS (NON-AGENDA ITEMS)(continued)

Mr. Pasch stated that as community leaders we have an obligation to stand up and act and cannot let the State dictate the terms of this conversation if these are the solutions being proposed. It is tantamount to saying that since scientific evidence shows that humans are causing global warming, we have decided to increase carbon emissions by ensuring that all items produced in America run off of oil and gas. The legislation or lack thereof at the State and Federal levels flies in the face of logic.

Locally, the City of Cleveland enacted gun safety measures this past year. The legislation forms a gun registry of gun offenders, requires private sellers to report sales of guns, requires a gun owner to report a lost or stolen firearm to police, and makes it a crime for failure to secure a gun and improperly providing access of firearms to a minor. We need to discuss and implement these concepts plus other gun safety mechanisms. Although some gun safety measures might be legally challenged, we need to start working on what can be done.

For example, Ohio has no law specifically penalizing allowing children to access firearms. If they will not create a State law, our local municipality must lead by example and create a law.

We need not wait to react, but rather we should move on this issue now. Mr. Pasch stated that he is asking that the Safety Committee begin meeting to discuss what can be implemented, and that we begin the process of drafting legislation. Beachwood can be a leader in this area, and set an example to other communities in the region that we will not wait for the State and Federal government to act.

Mr. Pasch stated that in light of the recent Jewish holidays, he wanted to quote Ann Arbor's Rabbi's, Rabbi Dobrusin and Rabbi Blumenthal, who had this to say about gun violence in America, and our combined levels of inaction:

"For the sin we have committed by allowing our country to have one of the highest rates of gun violence among developed nations.

For the sin we have committed by not honoring the memory of the victims of Aurora, Sandy Hook, Blacksburg, Charleston and all of the others by demanding that our elected officials work together to prevent future tragedies.

For the sin we have committed by knowing that there are countless children who have innocently lost their lives, but not knowing their names or individual stories.

For the sin we have committed before you by regulating toys and cars and so many other products more seriously than we do guns.

For the sin we have committed by allowing the debate about firearms to focus more on the constitutionality protected right to own a weapon rather than on the responsibility to protect innocent people from potential harm.

For all of these, God of forgiveness, forgive us, pardon us, grant us atonement."

COUNCILMEMBER REPORTS (NON-AGENDA ITEMS)(continued)

Mr. Pasch stated he understands that this issue is a tough political issue and he also understands that the debate will not be easy but we are not elected to make easy decisions or avoid tough issues. Mr. Pasch stated that we are elected to lead, and to make tough decisions even in the face of potential consequences. He cannot stress again that this is an issue that spans across all geographic regions – gun violence is not an issue for major metropolitan areas to tackle alone, but rather it is an issue for everyone to tackle together. Mr. Pasch stated that the community deserves action and solutions.

Mr. Jacobs stated that that he does not disagree with Mr. Pasch regarding the issues with General Growth not informing the City about the tree removal prior to the Planning and Zoning meeting. Mr. Jacobs stated that the City had no control over this at all and it was strictly a CEI issue and he believes that General Growth did not have control over the situation. Mr. Jacobs stated that it was proper for General Growth to come to the City after the fact. Mr. Jacobs stated that CEI has the right to go across the land to install the wires. Mr. Jacobs stated that most of the trees were on the La Place property except for two trees on the General Growth property.

Mr. Isaacson stated that it is extremely unlikely that CEI is not exempt from zoning.

DEPARTMENT DIRECTOR'S

Mr. Pfaff stated that he would like to address the article that was in the Plain Dealer on Saturday. Mr. Pfaff stated that he has concerns with the headlines that stated the City fixed eight of nine citations in the 2014 Audit. Mr. Pfaff stated that the Audit did not contain nine citations. In fact, Mr. Pfaff stated that the City has not had nine citations in the whole time he has been Finance Director. Mr. Pfaff stated that he was not going to go into detail but the couple of items that did stick out to him were that the Mayor did not use vacation in certain years and that is not correct and is the same issue that he addressed a few meetings back wherein the Mayor had used some vacation time and the allegation was that he also cashed it all out. Mr. Pfaff stated that if you read the Management Letter closely it states that in those years he was paid out the net of that vacation.

Mr. Pfaff stated that the other issue he would like to address was where it was mentioned that it was found that there was reduced revenue and increased expenditures. Mr. Pfaff stated that the Audit does not find that and that is in the Management discussion and Analysis Letter that he prepares for that part of the CAFR and if they would have looked closely they would have also noticed that letter is unaudited. Mr. Pfaff stated that the Auditor reviews that letter but they do not audit it. Mr. Pfaff stated that had they looked further into the financial statement they would have also saw what insinuated that the City was having financial difficulties last year and that is far from the case. Mr. Pfaff stated that in the General Fund the City had a 5.6 million dollar surplus and before transfers, he transferred 3 million dollars to the Capital Improvement Fund and also after the transfer to the Debt Service Fund. Mr. Pfaff stated that after all of that the City still had a 3.8 million dollar surplus.

Mr. Goodman stated that the reporting has not been as accurate as we would want it to be.

DEPARTMENT DIRECTOR'S(continued)

Mr. Pfaff stated that he stands corrected, he transferred 10 million dollars to the Capital Improvement Fund.

Mr. Doult stated that he would like to address City Council from the podium because it lends a point of emphasis to his remarks. Mr. Doult stated that there have been some reports and rumors circulating about a company that was calling Beachwood home for a couple of years, Paul Moss LLC. The reports circulating stated that Paul Moss LLC never moved into the City of Beachwood and these reports are incorrect. Mr. Doult stated that he and Mayor Gorden first met with Paul Moss on August 28, 2013. Paul Moss LLC moved into 3700 Park East, Suite 350 and they remained at that location until recently. This company's move to Beachwood was reported in several local media outlets as well as on the Economic Development pages on the City of Beachwood website and the City had a November 2014 Press Release about Paul Moss LLC bringing jobs and a 2.5 million dollar payroll to Beachwood in 2015. Mr. Doult stated that he would like to point out again that the \$75,000.00 Leasehold Improvement Grant was approved by City Council in October of 2013 but was never paid to Paul Moss LLC or anyone.

Mr. Goodman stated that he wanted to take a moment to comment about the recent State Audit of Beachwood and also another matter.

Mr. Goodman stated that the City is very pleased at the recently released 2014 Audit of Beachwood conducted by the State Auditor. Mr. Goodman stated that this was a regularly scheduled audit and, in the audit document itself, there were no findings or citations issued against Beachwood.

Mr. Goodman stated that in an accompanying document known as a "management letter", the Auditor did issue one finding of non-compliance related to the City allowing various organizations to use the City facilities for their meetings. The Auditor noted that allowing such groups to use City meeting rooms could, conceivably, interfere with City business. The City has ceased this practice.

Mr. Goodman stated that acknowledging this lone finding on the meeting rooms, what should not be overlooked in the Audit is that with eight of nine issues examined by the Auditor specifically, he issued no citations or findings. These included matters such as the distribution of swimming pool passes and our bids for new Police motorcycles.

The Auditor noted that as part of the Audit, he separately examined nine such issues that have been raised regarding alleged wrongdoing in Beachwood. The Auditor, in a detailed response, took the time to examine all nine issues and the City appreciates that.

Mr. Goodman stated that some might swell on the single "finding" about meeting rooms, which the City has already dealt with, but again, we should not ignore the many positives of this Audit, including those eight issues that resulted in NO citations or findings. Mr. Goodman stated that the fact that the City received an unqualified opinion on our financials, meaning the Auditor gave us the best possible opinion a City can obtain on its financials being represented fairly and accurately in accordance with accounting principles.

COUNCILMEMBER REPORTS (NON-AGENDA ITEMS)(continued)

Mr. Goodman stated to please know that the City takes state audits seriously and always have. The State Auditor has previously been critical of some aspects of City operations. The City has responded to some of those comments in the past by adjusting our policies and practices.

Mr. Goodman stated that in this instance, however, there is no need to take such actions because the Auditor himself found no reason to recommend such steps.

Mr. Goodman stated that it is his hope, as the City moves forward, that we concentrate as a community upon working together to keep moving our fine City forward.

Mr. Goodman stated that with regard to another matter, he wanted to set the record straight on a specific issue with Signature Square. Mr. Goodman stated that a media report recently incorrectly stated that there would be entrances off of Chagrin and Bryden Road. The truth is that there is an exit only, one-way drive onto Bryden Road that has been in place for some time. There are no plans for an entrance off of Bryden Road.

Mr. Goodman stated that at a recent Planning and Zoning meeting, the applicant was also told that the curb cuts on Richmond into the mid-point of Signature Square would not be approved.

Mr. Goodman stated that he wanted to make these points about the plan very clear.

CITIZEN'S REMARKS

1. Steve Rosen
2398 Allen Boulevard
Beachwood, Ohio 44122

Mr. Rosen stated that he would like to invite everyone to the opening of the Beachwood Bistro. Mr. Rosen stated that the Bistro will be open Wednesday, Thursday and Friday and take out is available.

FINANCE AND INSURANCE COMMITTEE

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

ORDINANCE NO. 2015-138 – Introduced by Martin S. Horwitz
AN ORDINANCE FOR THE PAYMENT OF CERTAIN BILLS (BILLS)

Moved by M.S. Horwitz, seconded by J. Pasch that Ordinance No. 2015-138 be placed on first reading.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

FINANCE AND INSURANCE COMMITTEE(continued)

Moved by M.S. Horwitz, seconded by J. Pasch, that Ordinance No. 2015-138 be adopted.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.
MOTION ADOPTED		

2. Submitted to Council an Ordinance authorizing the Mayor to purchase computer equipment and software components for City Hall from various vendors, including purchases from the State bid list; waiving competitive bidding; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-139 – Introduced by Alec Isaacson
AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE
COMPUTER EQUIPMENT AND SOFTWARE COMPONENTS FOR
CITY HALL FROM VARIOUS VENDORS, INCLUDING PURCHASES
FROM THE STATE BID LIST; WAIVING COMPETITIV BIDDING; AND
DECLARINGT THIS TO BE AN URGENT MEASURE

Moved by A. Isaacson, seconded by M.S. Horwitz, that Ordinance No. 2015-139 be placed on first reading.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.
MOTION ADOPTED-RULES SUSPENDED		

Moved by A. Isaacson, seconded by M.S. Horwitz, that Ordinance No. 2015-139 be adopted.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.
MOTION ADOPTED		

CM 2015-298

SAFETY AND PUBLIC HEALTH COMMITTEE

1. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract with GPD Group for Design Services for the Dispatch Center Renovation; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-126 – Introduced by Alec Isaacson
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH GPD GROUP FOR DESIGN SERVICES FOR THE
DISPATCH CENTER RENOVATION; AND DECLARING THIS TO BE
AN URGENT MEASURE

Placed on First Reading on: September 8, 2015
Placed on Second Reading on: September 21, 2015
Remain on Second Reading on: October 5, 2015

2. A Motion authorizing the Clerk to advertise for bidders for the Dispatch Center Renovation.

Placed on Pending on: September 8, 2015
Remain on Pending on: September 21, 2015
Remain on Pending on: October 5, 2015

PUBLIC WORKS COMMITTEE

1. Submitted to Council a Motion authorizing the Clerk to advertise for bidders for the Construction Management Services for Chagrin Boulevard and Shaker Boulevard.

Moved by J. Pasch, seconded by M. Mintz, that the Motion authorizing the Clerk to advertise for bidders for the Construction Management Services for Chagrin Boulevard and Shaker Boulevard be adopted.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	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 three year Contract with Civic Plus for Support, Maintenance, and Hosting of the City's Website; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-140 – Introduced by Mark Mintz
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
THREE YEAR CONTRACT WITH CIVIC PLUS FOR SUPPORT,
MAINTENANCE, AND HOSTING OF THE CITY'S WEBSITE; AND
DECLARING THIS TO BE AN URGENT MEASURE

ECONOMIC DEVELOPMENT COMMITTEE(continued)

Moved by M. Mintz, seconded by F.S. Goodman, that Ordinance No. 2015-140 be placed first reading.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by M. Mintz, seconded by F.S. Goodman, that Ordinance No. 2015-140 be adopted.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

ADJOURNMENT

Moved by F.S. Goodman, seconded by J. Pasch, to adjourn the Regular Council Meeting at 7:41 P.M. to the next regularly scheduled Council Meeting.

ROLL CALL:	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M.M. Jacobs, M. Mintz, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

Approved:

Clerk

Mayor