

October 17, 2016

**BEACHWOOD CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING  
HELD AT BEACHWOOD CITY HALL, COUNCIL CHAMBERS, 25325 FAIRMOUNT  
BOULEVARD, ON MONDAY, October 17, 2016 AT 7:00 P.M.**

The meeting was called to order at 7:02 P.M. by Council President Martin S. Horwitz

ROLL CALL: Present: J. Berns, M.S. Horwitz, A. Isaacson,  
B.B. Janovitz, B.H. Linick, J. Pasch  
Absent: M.M. Jacobs  
Also Present: Mayor Gorden, H.L. Jones, W. Griswold,  
P.J. Kearns, M. Kaplan, K. Winebrenner,  
K.A. Carmen, D.H. Pekarek, J. Doutt

APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD  
ON JULY 18, 2016

Moved by J. Berns, seconded by J. Pasch, that the minutes of the Committee of the Whole Meeting held on July 18, 2016 be approved.

ROLL CALL:

|             |                                                                |
|-------------|----------------------------------------------------------------|
| Yes:        | J. Berns, M.S. Horwitz, B.B. Janovitz<br>B.H. Linick, J. Pasch |
| Abstain:    | None.                                                          |
| No:         | None.                                                          |
| Not Voting: | A. Isaacson.                                                   |

MOTION ADOPTED

APPROVAL OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON JULY 25, 2016

Moved by J. Berns, seconded by B.B. Janovitz, that the minutes of the Special Council Meeting held on July 25, 2016 be approved.

ROLL CALL:

|             |                                                                |
|-------------|----------------------------------------------------------------|
| Yes:        | J. Berns, M.S. Horwitz, B.B. Janovitz, B.H. Linick<br>J. Pasch |
| Abstain:    | None.                                                          |
| No:         | None.                                                          |
| Not Voting: | A. Isaacson.                                                   |

MOTION ADOPTED

APPROVAL OF THE MINUTES OF THE LEGAL AND PERSONNEL COMMITTEE  
EXECUTIVE SESSION HELD ON SEPTEMBER 19, 2016

Moved by J. Pasch, seconded by M. Horwitz, that the minutes of the Committee of the Whole Meeting held on September 19, 2016 be approved.

|            |             |                                                                   |
|------------|-------------|-------------------------------------------------------------------|
| ROLL CALL: | Yes:        | M. Horwitz, A. Isaacson, B.B. Janovitz,<br>B. H. Linick, J. Pasch |
|            | Abstain:    | None.                                                             |
|            | No:         | None.                                                             |
|            | Not Voting: | J. Berns                                                          |

MOTION ADOPTED

MAYOR'S REPORT

Mayor Gorden thanked the Service Director Dale Pekarek and his team for the plantings around the Beachwood signs near the entrance and exits of 271.

Mayor Gorden stated that the contractor who worked on paving Richmond Road did a magnificent job.

COUNCIL MEMBERS (NON-AGENDA ITEMS)

Mr. Isaacson stated he had the opportunity last Monday to attend the School Board meeting. At the meeting, the school brought up plans for consolidation including operating and Capital Funds levy they are going to place on the ballot. He was impressed with the amount of work they put in to move this project forward. He stated that it is something that Council could get behind to improve our schools and community.

Mr. Isaacson wanted to thank the Police Chief and Fire Chief for the work they did on emergency dispatch, specifically the alternative of combining emergency dispatch into the new fire station, which saves the City money but maintains high standards.

Mr. Isaacson stated that he had the opportunity to attend the Jump Back Jog event and that it was a well put together by Ms. Carmen and her team and that it was well attended.

Mr. Linick commented on the presentation for school consolidation. He stated he was concerned about the condition of the building and the timeline of the schools consolidation project, given the caps on the amount of debt that the schools can take, and the time required for borrowing, considering that it will rely on voters passing a bond for any of the projects to be possible. He agreed with Mr. Isaacson that the project is needed, but thought the City is in a position to help with the project because there is a bigger issue than just schools. He would like to open it up to further discussion, possibly jointly with the schools, to see what opportunities

there are to for the City to work with the school to help accelerate their own timeline based on the finances and get a resolution quicker.

Mr. Pasch stated that exploring new ways to work with the schools is always good thing but if members of City Council support the schools initiatives and plans and are going to move forward with a consolidation plan, they're going to have to have a levy measure as part of the presentation and talk the community.

Mr. Linick clarified that their current plan to go for a levy in 2018, is based on their borrowing abilities. However if that was adjusted based on some assistance from the City of Beachwood they could potentially go in 2017, which would be a significant benefit for the schools.

Mr. Horwitz stated that there are strict prohibitions from simply transferring money from city to school since they are separate entities and commingling their funds is prohibited.

Mr. Linick stated that he was also referring to creative alternatives to assist schools and not just writing a check.

Mayor Gorden stated that the City did quite a bit already for the project and reduced their fees so the project would be a lot less expensive for the schools.

Mr. Berns stated that Mayor Gorden deserved some praise for the project because he hired the directors and the project came in under budget.

#### CITIZEN'S REMARKS

Robert Leeson from 24560 Sittingborn Lane, in reference to agenda item 12, the purchase of a van from Montrose ford waiving competitive pricing, wanted to know why local auto dealers are excluded from the chance to bid to see if they can meet or beat the State's list.

#### DEPARTMENT DIRECTORS

Mr. Pekarek stated that he wanted to let Council Members know that regional sewers Thursday to next Wednesday will perform smoke testing of sewers.

Ms. Carmen stated that she wanted to make sure Council has Veterans Day salute on November 6<sup>th</sup>, 11am at Beachwood cemetery.

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

ORDINANCE NO. 2016-121 – Introduced by A. Isaacson  
AN ORDINANCE FOR THE PAYMENT OF CERTAIN BILLS (BILLS)

Moved by A. Isaacson, seconded by J. Pasch, that Ordinance No. 2016-121 be placed on first reading.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by J. Pasch, that Ordinance No. 2016-121 be adopted.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED

2. Submitted to Council an Ordinance authorizing the Assistant Director of Finance to transfer certain funds from the General Fund to the Capital Improvement Fund.

ORDINANCE NO. 2016-122 – Introduced by B.B. Janovitz  
AN ORDINANCE AUTHORIZING THE ASSISTANT DIRECTOR OF  
FINANCE TO TRANSFER CERTAIN FUNDS FROM THE GENERAL FUND  
TO THE CAPITAL IMPROVEMENT FUND

Moved by B.B. Janovitz, seconded by A. Isaacson, that Ordinance No. 2016-122 be placed on first reading.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED-RULES SUSPENDED

Moved by B.B. Janovitz, seconded by A. Isaacson, that Ordinance No. 2016-122 be adopted.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED

3. Submitted to Council an Ordinance authorizing the Assistant Director of Finance to transfer certain funds from the General Fund to the General Bond Retirement Fund.

ORDINANCE NO. 2016-123 – Introduced by B. Linick  
AN ORDINANCE AUTHORIZING THE ASSISTANT DIRECTOR OF  
FINANCE TO TRANSFER CERTAIN FUNDS FROM THE GENERAL FUND  
TO THE GENERAL BOND RETIREMENT FUND

Moved by B. Linick, seconded by J. Pasch, that Ordinance No. 2016-123 be placed on first reading.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED-RULES SUSPENDED

Moved by B. Linick, seconded by J. Pasch, that Ordinance No. 2016-123 be adopted.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED

4. Submitted to Council an Ordinance authorizing the Mayor to enter into a Renewal Agreement with AT&T to provide Centrex Service for Thirty Six Months.

ORDINANCE NO. 2016-124 – Introduced by J. Pasch  
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
RENEWAL AGREEMENT WITH AT&T TO PROVIDE CENTREX SERVICE  
FOR THIRTY SIX MONTHS

Mr. Rose stated that this was a normal renewal. We have had Centrex lines which are phone lines that go directly to AT&T more secure system. AT&T is not charging anything.

Mr. Horwitz stated this renewal is done every 3 years.

Moved by J. Pasch, seconded by A. Isaacson, that Ordinance No. 2016-124 be placed on first reading.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Pasch, seconded by A. Isaacson, that Ordinance No. 2016-124 be adopted.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED

5. Submitted to Council an Ordinance accepting the Proposal of AT&T to provide the City's Internet Connection for a period of Thirty Six Months and to increase Internet Bandwidth with an Internet Speed Upgrade.

ORDINANCE NO. 2016-125 – Introduced by A. Isaacson  
AN ORDINANCE ACCEPTING THE PROPOSAL OF AT&T TO PROVIDE  
THE CITY'S INTERNET CONNECTION FOR A PERIOD OF THIRTY SIX  
MONTHS AND TO INCREASE INTERNET BANDWIDTH WITH AN  
INTERNET SPEED UPGRADE

Mr. Rose stated that the increase would be from 20 Mbps to 100 Mbps due to wi-fi usage by residents.

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2016-125 be placed on first reading.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2016-125 be adopted.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED

6. Submitted to Council an Ordinance amending Schedule D of the Administrative Salary Ordinance.

ORDINANCE NO. 2016-126 – Introduced by B.B. Janovitz  
AN ORDINANCE AMENDING SCHEDULE D OF THE ADMINISTRATIVE  
SALARY ORDINANCE

Mr. Pekarek stated this was a position discussed at the last meeting. The position was proposed to be a consolidation of duties to be given to the current position of Assistant Superintendent. It is now being changed to a Superintendent position and pay grade and being called an Environmental Manager, who will be in charge of refuse, recycling (...) and EPA and storm water issues.

Moved by B.B. Janovitz, seconded by J. Berns, that Ordinance No. 2016-126 be placed on first reading.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED-RULES SUSPENDED

Moved by B.B. Janovitz, seconded by J. Berns, that Ordinance No. 2016-126 be adopted.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED

1. A Motion accepting Final Approval of the Dedication Plat of Corporate Park Drive.

P&Z No. 2016-16 – Introduced by J. Pasch

A MOTION ACCEPTING FINAL APPROVAL OF THE DEDICATION PLAT  
OF CORPORATE PARK DRIVE

Mr. Smerigan stated that this was plat was discussed in the last meeting and is located between Richmond Road and Enterprise Parkway. Ms. Reinberg is the owner of the plat.

Moved by J. Pasch, seconded by B. Linick, that P&Z No. 2016-16 be adopted.

|                |             |                                                                              |
|----------------|-------------|------------------------------------------------------------------------------|
| ROLL CALL      | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|                | Abstain:    | None.                                                                        |
|                | No:         | None.                                                                        |
|                | Not Voting: | None.                                                                        |
| MOTION ADOPTED |             |                                                                              |

2. A Motion authorizing clerk to advertise for bidders for the proposed improvement of Corporate Park drive.

Moved by J. Pasch, seconded by B. Linick, that the motion be adopted.

|                |             |                                                                              |
|----------------|-------------|------------------------------------------------------------------------------|
| ROLL CALL      | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|                | Abstain:    | None.                                                                        |
|                | No:         | None.                                                                        |
|                | Not Voting: | None.                                                                        |
| MOTION ADOPTED |             |                                                                              |

3. A Motion accepting Preliminary and Final Approval for a Conditional Use Permit for a Fitness Facility located at 23307 Commerce Park, Suite B.

P&Z No. 2016-22 – Introduced by B. Linick

A MOTION ACCEPTING PRELIMINARY AND FINAL APPROVAL FOR A  
CONDITIONAL USE PERMIT FOR A FITNESS FACILITY LOCATED AT  
23307 COMMERCE PARK, SUITE B

Mr. Berns stated that he will vote yes on the motion but he does have an issue with the way Commerce Park has been used over the years. He thinks the use of these buildings is not best for the city. It's good for property owner's collecting rent but very few employees who are paid very low wages does not benefit the city. Some way of incorporating what the city is really looking for e.g. mercantile purpose or special use permits.

Mr. Pasch stated that it was beneficial to employees who work in the area since they can use the facilities. How much tax revenue can be derived from it should not be the sole consideration.

Moved by B. Linick, seconded by A. Isaacson, that P&Z No. 2016-22 be adopted.

|                |             |                                                                              |
|----------------|-------------|------------------------------------------------------------------------------|
| ROLL CALL      | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|                | Abstain:    | None.                                                                        |
|                | No:         | None.                                                                        |
|                | Not Voting: | None.                                                                        |
| MOTION ADOPTED |             |                                                                              |

1. Submitted to Council an Ordinance authorizing the Mayor to purchase one 2016 Ford CMAX Hybrid SE Van from Montrose Ford; waiving Competitive Pricing.

ORDINANCE NO. 2016-127 – Introduced by A. Isaacson

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE 2016 FORD CMAX HYBRID SE VAN FROM MONTROSE FORD; WAIVING COMPETITIVE PRICING

Ms. Carmen stated that back in February the City was in need to buy a van, the price came in at \$81,000. Mayor Gorden asked if they could find outside funding. NOACA stated that they stopped giving grants this year. They can't wait until 2017 to get the money. Ms. Carmen is proposing we purchase the CMAX Hybrid at \$21,000 and accrue the remaining \$50,000 towards next year to get a real van to service seniors and also have van in the meantime.

Ms. Carmen, in response to Robert Leeson's question during citizen's remarks, stated that there is no Ford dealership in the City of Beachwood, and that they are currently using a vendor they've dealt with in the past at state prices.

Mayor Gorden thanked Karen for her diligence and stated that the City has worked on trying to get a competitive figure and something adequate for the seniors in the community for a couple months. This purchase was a great alternative. Compared to State-bid pricing it was roughly \$4,000 cheaper and it was an approved vendor by the State.

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2016-127 be placed on first reading.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2016-127 be adopted.

|           |             |                                                                              |
|-----------|-------------|------------------------------------------------------------------------------|
| ROLL CALL | Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
|           | Abstain:    | None.                                                                        |
|           | No:         | None.                                                                        |
|           | Not Voting: | None.                                                                        |

MOTION ADOPTED

- ORDINANCE NO. 2016-128 – Introduced by J. Berns  
AN ORDINANCE ACCEPTING A DONATION FROM NORMA L.  
MENOCKER TO THE BEACHWOOD SENIOR POLICE ACADEMY

ROLL CALL            Yes:            J. Berns, M.S. Horwitz, A. Isaacson,  
                                         B.B. Janovitz, B.H. Linick, J. Pasch  
                         Abstain:       None.  
                         No:             None.  
                         Not Voting:   None.

MOTION ADOPTED-RULES SUSPENDED

**ROLL CALL**

|             |                                                                              |
|-------------|------------------------------------------------------------------------------|
| Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
| Abstain:    | None.                                                                        |
| No:         | None.                                                                        |
| Not Voting: | None.                                                                        |

**MOTION ADOPTED**

- ORDINANCE NO. 2016-129 – Introduced by A. Isaacson  
AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE  
LIFEPAK 15 CARDIAC MONITOR AND ONE LUCAS CHEST  
COMPRESSION DEVICE FROM PHYSIO CONTROL.

ROLL CALL            Yes:            J. Berns, M.S. Horwitz, A. Isaacson,  
                             B.B. Janovitz, B.H. Linick, J. Pasch  
                             Abstain:       None.  
                             No:             None.  
                             Not Voting:   None.

MOTION ADOPTED-RULES SUSPENDED

**ROLL CALL**

|             |                                                                              |
|-------------|------------------------------------------------------------------------------|
| Yes:        | J. Berns, M.S. Horwitz, A. Isaacson,<br>B.B. Janovitz, B.H. Linick, J. Pasch |
| Abstain:    | None.                                                                        |
| No:         | None.                                                                        |
| Not Voting: | None.                                                                        |

**MOTION ADOPTED**

- AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT FOR AND ON BEHALF OF THE CITY OF BEACHWOOD WITH  
THE DISTRICT BOARD OF HEALTH OF THE COUNTY OF CUYAHOGA,  
OHIO FOR THE YEAR 2017

ROLL CALL            Yes:            J. Berns, M.S. Horwitz, A. Isaacson,  
                                                B.B. Janovitz, B.H. Linick, J. Pasch  
                         Abstain:       None.  
                         No:             None.  
                         Not Voting:   None.

MOTION ADOPTED-RULES SUSPENDED

ROLL CALL            Yes:            J. Berns, M.S. Horwitz, A. Isaacson,  
B.B. Janovitz, B.H. Linick, J. Pasch  
Abstain:          None.  
No:                None.  
Not Voting:      None.

MOTION ADOPTED

ADJOURNMENT

October 17, 2016

Moved by B. Linick, seconded by J. Pasch, to adjourn the Regular Council Meeting at 7:52 P.M. to the next regularly scheduled Council Meeting.

ROLL CALL

Yes: J. Berns, M.S. Horwitz, A. Isaacson,  
B.B. Janovitz, B.H. Linick, J. Pasch

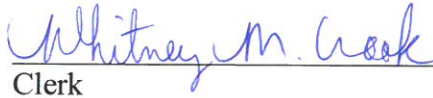
Abstain: None.

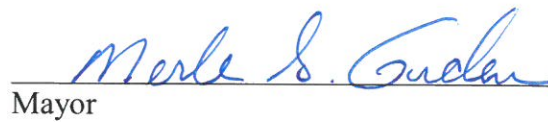
No: None.

Not Voting: None.

MOTION ADOPTED

Approved:

  
Clerk

  
Mayor