

**BEACHWOOD CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING
HELD AT BEACHWOOD CITY HALL, COUNCIL CHAMBERS, 25325 FAIRMOUNT
BOULEVARD, ON MONDAY, MARCH 20, 2017 AT 7:00 P.M.**

The meeting was called to order at 7:00 P.M. by Council President Martin S. Horwitz

ROLL CALL:	Present:	J. Berns, M.S. Horwitz, A. Isaacson, M.M. Jacobs, B. B. Janovitz, B. Linick, J. Pasch
	Absent:	None.
	Also Present:	Mayor Gorden, H.L. Jones, L. Heiser, K.A. Carmen, D.H. Pekarek, J. Doult, W. Griswold, P. Kearns, G. Haba, T. Turick

CITIZEN'S REMARKS

Mike Burkons
2466 Richmond Road

Mr. Burkons made comments regarding Fire Station #2.

Jerry Moss
25459 Halburton Road

Mr. Moss made comments regarding Fire Station #2.

Doug Levine
2137 Lindway Road

Mr. Levine made comments regarding Fire Station #2.

Jim Hartnett
Director of Security for the Jewish Federation

Mr. Hartnett made comments regarding Fire Station #2.

MAYOR'S REPORTS

Mayor Gorden stated that the City of Beachwood has again gained recognition as being an Arbor Day Tree City. Mayor Gorden thanked Dale and his department for the work they do to continue to beautify Beachwood.

Mayor Gorden stated that he attended a ribbon cutting ceremony at Home 2 Suites.

Mayor Gorden introduced Eric Synenberg to make comments on the implementation of ohiocheckbook.com.

COUNCIL MEMBERS (NON-AGENDA ITEMS)

None.

DEPARTMENT DIRECTORS

Ms. Carmen reported that non-resident registration for the City of Beachwood Summer Camps has broken a record. Ms. Carmen stated that the first person was in line at 3 am. When the building opened at 6 am there were 107 people waiting in line.

Mr. Griswold stated that the pending moratorium item would likely be voted to be removed from the agenda during the next Council Meeting.

Chief Haba stated that the City of Beachwood has reaffirmed its partnership with the Jewish Federation.

APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON AUGUST 29, 2016.

Moved by J. Pasch, seconded by M.M. Jacobs, that the minutes of the Committee of the Whole Meeting held on August 29, 2016 be approved.

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

APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON SEPTEMBER 6, 2016.

Moved by M.M. Jacobs seconded by B. Janovitz, that the minutes of the Committee of the Whole Meeting held on September 6, 2016 be approved.

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

APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON SEPTEMBER 12, 2016.

Moved by J. Berns seconded by J. Pasch, that the minutes of the Committee of the Whole Meeting held on September 12, 2016 be approved.

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

APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON SEPTEMBER 26, 2016.

Moved by J. Berns seconded by B. Janovitz, that the minutes of the Committee of the Whole Meeting held on September 26, 2016 be approved.

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

APPROVAL OF THE MINUTES OF THE LEGAL AND PERSONNEL COMMITTEE
EXECUTIVE SESSION MEETING HELD ON SEPTEMBER 26, 2016.

Moved by M.S. Horwitz seconded by J. Pasch, that the minutes of the Legal and Personnel Committee Executive Session Meeting held on September 26, 2016 be approved.

ROLL CALL:	Yes:	M.S. Horwitz, M. M. Jacobs, B. Linick, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

APPROVAL OF THE MINUTES OF THE SAFETY AND PUBLIC HEALTH COMMITTEE
MEETING HELD ON OCTOBER 10, 2016.

Moved by J. Berns seconded by M.S. Horwitz, that the minutes of the Legal and Personnel Committee Executive Session Meeting held on October 10, 2016 be approved.

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

COMMITTEE OF THE WHOLE

1. Submitted to Council an Ordinance confirming the appointment of David J. Keilin as a member of the Civil Service Commission for the City of Beachwood, Ohio; and declaring this to be an urgent measure.

Moved by M.S. Horwitz, seconded by M.M. Jacobs, that Ordinance No. 2017-46 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M.S. Horwitz, A. Isaacson, M.M. Jacobs, B.B. Janovitz, B. Linick, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by M.S. Horwitz, seconded by M.M. Jacobs, that Ordinance No. 2017-46 be adopted.

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

Administration of the Oath of Office by Law Director Hope L. Jones.

FINANCE AND INSURANCE COMMITTEE

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

Moved by A. Isaacson, seconded by J. Pasch, that Ordinance No. 2017-45 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M.S. Horwitz, A. Isaacson, M.M. Jacobs, B.B. Janovitz, B. 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. 2017-45 be adopted.

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

MOTION ADOPTED

2. Submitted to Council an Ordinance making appropriations for current expenditures and other expenses of the City of Beachwood, State of Ohio for the fiscal year 2017; January 1, 2017 to December 31, 2017, inclusive; and declaring this to be an urgent measure

Mr. Heiser stated that the only changes made in the budget were the \$50,000.00 moved from salaries and benefits to computers and consulting and then \$15,000.00 was moved from the Law Department from salary to other professional services.

Moved by B. Janovitz, seconded by J. Berns, that Ordinance No. 2017-47 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by B. Janovitz, seconded by J. Berns, that Ordinance No. 2017-47 be adopted.

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

MOTION ADOPTED

LEGAL AND PERSONNEL COMMITTEE

1. Submitted to Council an Ordinance authorizing the Mayor on behalf of the City to join other municipalities in a lawsuit to challenge Senate Bill 331 and to pay a flat fee to Walter Haverfield LLP to represent the City in such lawsuit; and declaring this to be an urgent measure.

Ms. Jones explained what Senate Bill 331 was and explained that Walter Haverfield is representing several communities to challenge this bill.

Ms. Jones stated that this was important so that the City can defend its Home-Rule powers.

Mr. Isaacson asked if the fees are on a sliding scale.

Ms. Jones stated that was correct.

Mr. Jacobs expressed his concern about the cost and asked if this bill has anything to do with cell towers.

Ms. Jones stated that no, it does not.

Mr. Linick expressed his concern as well about the cost.

Mr. Linick stated that he saw no benefit for the City of Beachwood to join this lawsuit and didn't see the necessity.

Mr. Linick stated that it would probably be better to move away from this issue.

Ms. Jones stated that time is of the essence in this suit.

Mr. Jacobs asked if the City would be able to drop out if the costs get to expensive.

Ms. Jones stated that the City could drop out.

Moved by J. Pasch, seconded by M.M. Jacobs, that Ordinance No. 2017-48 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Pasch, seconded by M.M. Jacobs, that Ordinance No. 2017-48 be adopted.

ROLL CALL	Yes:	J. Berns, M.S. Horwitz, A. Isaacson, M.M. Jacobs, B.B. Janovitz, J. Pasch
	Abstain:	None.
	No:	B. Linick
	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 Water Odyssey for the Spray Ground Refurbishing Project at the Beachwood Family Aquatic Center, further waiving competitive bidding; and declaring this to be an urgent measure.

Ms. Carmen stated that the existing Spray Ground needs to be replaced because it is fourteen years old. Water Odyssey is the existing Spray Ground manufacturer.

Ms. Carmen stated that the work would be completed before May 27, 2017.

Moved by A. Isaacson, seconded by B. Janovitz, that Ordinance No. 2017-49 be placed on final reading.

ROLL CALL	Yes:	J. Berns, M.S. Horwitz, A. Isaacson, M.M. Jacobs, B.B. Janovitz, B. Linick, J. Pasch
	Abstain:	None.
	No:	None.
	Not Voting:	None.
MOTION ADOPTED-RULES SUSPENDED		

Moved by A. Isaacson, seconded by B. Janovitz, that Ordinance No. 2017-49 be adopted.

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

RECREATION AND COMMUNITY SERVICES COMMITTEE (CONTINUED)

2. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract with First Student, Inc., for bus transportation services for the City's Recreation Division 2017 summer camps and programs; and declaring this to be an urgent measure.

Mr. Horwitz asked if First Student is the same company that we always use.

Ms. Carmen stated that was correct and that the price has been lowered this year.

Moved by M.M. Jacobs seconded by A. Isaacson, that Ordinance No. 2017-50 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M.M. Jacobs seconded by A. Isaacson, that Ordinance No. 2017-50 be adopted.

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

MOTION ADOPTED

3. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract with SuperGames for the rental of various inflatables, games, and activities for the City of Beachwood Fall Festival; and declaring this to be an urgent measure.

Moved by B. Janovitz seconded by M.M. Jacobs, that Ordinance No. 2017-51 be placed on final reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by B. Janovitz seconded by M.M. Jacobs, that Ordinance No. 2017-51 be adopted.

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

MOTION ADOPTED

SAFETY AND PUBLIC HEALTH COMMITTEE

1. Submitted to Council and Ordinance accepting the bid of Infinity Construction as General Contractor to construct the proposed Fire Station #2 at the Base Bid amount plus Alternative Bids; and declaring this to be an urgent measure.

Ms. Janovitz made a statement regarding the Fire Station #2 Project. That statement is attached hereto for the record.

Mr. Berns made a statement regarding the Fire Station #2 Project. That statement is attached hereto for the record.

Mr. Jacobs made a statement regarding the Fire Station #2 Project. That statement is attached hereto for the record.

Mr. Pasch made a statement regarding the Fire Station #2 Project. That statement is attached hereto for the record.

Mr. Linick made a statement regarding the Fire Station #2 Project. Mr. Linick stated that he did not come to this decision lightly and that personal issues or politics should not be considered. The safety of the residents of the City of Beachwood is first priority. Mr. Linick stated that he would be happy to talk after the meeting if there were questions about his choice to vote for this project. Mr. Linick's only consideration was the safety of the Firefighters and the community.

Mr. Horwitz made a statement regarding the Fire Station #2 Project. That statement is attached hereto for the record.

Mr. Isaacson made a statement regarding the Fire Station #2 Project. That statement is attached hereto for the record.

A Motion for an amendment was made to not accept Bid Alternate #1 which was for the tree planting.

Moved by J. Berns, seconded by M.S. Horwitz that Ordinance No. 2017-52 be amended.

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

Moved by J. Berns, seconded by M.M. Jacobs that Ordinance No. 2017-52 be placed on third and final reading.

ROLL CALL	Yes:	J. Berns, M.S. Horwitz, M.M. Jacobs, B.B. Janovitz, B. Linick, J. Pasch
	Abstain:	None.
	No:	A. Isaacson
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

SAFETY AND PUBLIC HEALTH COMMITTEE (CONTINUED)

Moved by J. Berns, seconded by M.M. Jacobs that Ordinance No. 2017-52 be adopted.

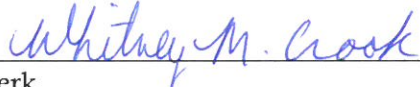
ROLL CALL	Yes:	J. Berns, M.S. Horwitz, A. Isaacson, M.M. Jacobs, B.B. Janovitz, B. Linick, J. Pasch
	Abstain:	None.
	No:	A. Isaacson
	Not Voting:	None.
		MOTION ADOPTED

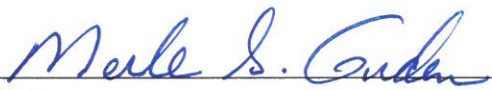
ADJOURNMENT

Moved by M. M. Jacobs, seconded by B. Linick, to adjourn the Regular Council Meeting at 8:50 P.M. to the next regularly scheduled Council Meeting.

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

Approved:


Clerk


Mayor