

Beachwood City Council Meeting Agenda
Monday, August 5, 2019, 7:00 PM
at Beachwood City Hall, Council Chambers,
25325 Fairmount Boulevard, Beachwood, Ohio 44122

-Pledge of Allegiance to the Flag of the United States of America-

Agenda Items

1. Roll Call
2. **Oath of Office**

David Baird
Lauren Fisher
Tyler Gullett
Madison Worley
3. Reports
 - a. Mayor
 - b. Council Member (non-agenda items)
 - c. Department Directors
4. Citizen's Remarks (City Council limits Citizen's Remarks to five (5) minutes each)
5. Approval of Minutes

Approval of the Minutes of the Regular Council Meeting held on July 1, 2019
6. Building & Grounds Committee
Ordinance No. 2019-84 An Ordinance amending Chapter 903, "Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures" of the Streets and Public Services Code; and declaring this to be an urgent measure
7. Building & Grounds Committee
Ordinance No. 2019-85 An Ordinance amending Chapter 905, "Small Cell Design Guidelines," of the Streets and Public Services Code; and declaring this to be an urgent measure

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| 8. | Finance & Insurance
Committee
Ordinance No. 2019-86 | An Ordinance appointing seven (7) Members to the City of Beachwood, Ohio Citizen Finance Advisory Committee; and declaring this to be an urgent measure |
| 9. | Committee of the Whole
Ordinance No. 2019-87 | An Ordinance appointing two (2) members to the City of Beachwood, Ohio Community Reinvestment Area Housing Council; and declaring this to be an urgent measure |
| 10. | Finance & Insurance
Committee
Ordinance No. 2019-83 | An Ordinance authorizing and directing the Payment of Certain Claims (Bills) for Professional and Other Services; and declaring this to be an urgent measure |
| 11. | Finance & Insurance
Committee
Ordinance No. 2019-88 | An Ordinance Amending appropriations for Current Expenditures and Other Expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2019, January 1, 2019 to December 31, 2019, Inclusive; and declaring this to be an urgent measure |
| 12. | Finance & Insurance
Committee
Ordinance No. 2019-89 | An Ordinance amending the Credit Card Policy for the City of Beachwood, Ohio; and declaring this to be an urgent measure |
| 13. | Legal & Personnel Committee
Ordinance No. 2019-90 | An Ordinance Appointing Thomas F. Greve as a Substitute Prosecutor for the City of Beachwood, Ohio, establishing Compensation; and declaring this to be an urgent measure |
| 14. | Planning & Zoning
Committee
Ordinance No. 2019-20 | <p>An Ordinance Amending BCO Chapter 1111, Section 1111.02, Subsection (l) Class U-7A Uses of the City of Beachwood, Ohio Planning and Zoning Code</p> <p>Placed on First Reading and referred to the Planning and Zoning Commission: January 22, 2019</p> <p>The Planning and Zoning Commission recommended approval to Council as amended: April 25, 2019</p> <p>Council referred to Public Hearing: May 6, 2019</p> <p>Public Hearing held and referred to Second Reading: July 1, 2019</p> |
| 15. | Public Works Committee
Ordinance No. 2019-91 | An Ordinance accepting a certain bid from Carron Asphalt Paving, Inc. for the 2019 Asphalt Patching Program; and declaring this to be an urgent measure |
| 16. | Public Works Committee
Ordinance No. 2019-92 | An Ordinance accepting a certain bid from Tri-Mor, Corp. for the 2019 Concrete Patching Program; and declaring this to be an urgent measure |

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| 17. | Public Works Committee
Ordinance No. 2019-93 | An Ordinance authorizing the Mayor to purchase two (2) Bobcat Compact Track Loaders for the City of Beachwood, Ohio Public Works Department from Clark Equipment Company DBA Bobcat Company, authorizing the Trade-in of two (2) surplus PT 60 ASVs and one (1) Quick Attach 300 Hammer to offset a portion of the cost of the new purchase, further waiving competitive bidding; and declaring this to be an urgent measure |
| 18. | Safety & Public Health Committee
Ordinance No. 2019-94 | An Ordinance Amending Section 618.12, "Nuisance Conditions Prohibited." of the Codified Ordinances of the City of Beachwood, Ohio; and declaring this to be an urgent measure |
| 19. | Safety & Public Health Committee
Ordinance No. 2019-95 | An Ordinance authorizing the Mayor to purchase two (2) Vehicles for the City of Beachwood, Ohio Police Department from Bedford Nissan, Inc., Authorizing the Trade-In of a Surplus Vehicle to Offset a Portion of the Cost of the New Purchase; and declaring this to be an urgent measure |

Correspondence

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| 1. | Correspondence | Notice to Legislative Authorities |
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Pending

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| 1. | Planning & Zoning Committee
Ordinance No. 2018-94 | <p>An Ordinance amending various sections of the City of Beachwood, Ohio Planning and Zoning Code and the City of Beachwood, Ohio Building Code to include the addition of Chapters 1108 and 1144. and the removal of Chapters 1115, 1149, 1301, 1315, 1319, 1321, 1323, 1325, 1331, and 1333</p> <p>Placed on First Reading and referred to P&Z: May 7, 2018</p> <p>Referred to Public Hearing that will be held on April 1, 2019: February 4, 2019</p> <p>Public Hearing held on: April 1, 2019</p> |
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STATE OF OHIO)
)
COUNTY OF CUYAHOGA)

OATH OF OFFICE

I, **DAVID BAIRD**, do solemnly swear that I will support the Constitution and laws of the United States of America, the Constitution and laws of the State of Ohio, and the Charter and Ordinances of the City of Beachwood, and that I will faithfully, honestly, and impartially discharge the duties as **FIREFIGHTER/PARAMEDIC OF THE DEPARTMENT OF FIRE AND RESCUE** for the City of Beachwood, State of Ohio, during my continuance in said office, beginning **August 5, 2019**.

DAVID BAIRD

SWORN TO before me and subscribed in my presence this **5th DAY OF AUGUST, 2019**.

Martin S. Horwitz, Mayor

STATE OF OHIO)
)
COUNTY OF CUYAHOGA)

OATH OF OFFICE

I, **LAUREN FISHER**, do solemnly swear that I will support the Constitution and laws of the United States of America, the Constitution and laws of the State of Ohio, and the Charter and Ordinances of the City of Beachwood, and that I will faithfully, honestly, and impartially discharge the duties as **FIREFIGHTER/PARAMEDIC OF THE DEPARTMENT OF FIRE AND RESCUE** for the City of Beachwood, State of Ohio, during my continuance in said office, beginning **August 5, 2019**.

LAUREN FISHER

SWORN TO before me and subscribed in my presence this **5th DAY OF AUGUST, 2019**.

Martin S. Horwitz, Mayor

STATE OF OHIO)
)
COUNTY OF CUYAHOGA)

OATH OF OFFICE

I, **TYLER GULLETT**, do solemnly swear that I will support the Constitution and laws of the United States of America, the Constitution and laws of the State of Ohio, and the Charter and Ordinances of the City of Beachwood, and that I will faithfully, honestly, and impartially discharge the duties as **FIREFIGHTER/PARAMEDIC OF THE DEPARTMENT OF FIRE AND RESCUE** for the City of Beachwood, State of Ohio, during my continuance in said office, beginning **August 5, 2019**.

TYLER GULLETT

SWORN TO before me and subscribed in my presence this **5th DAY OF AUGUST, 2019**.

Martin S. Horwitz, Mayor

STATE OF OHIO)
)
COUNTY OF CUYAHOGA)

OATH OF OFFICE

I, **MADISON WORLEY**, do solemnly swear that I will support the Constitution and laws of the United States of America, the Constitution and laws of the State of Ohio, and the Charter and Ordinances of the City of Beachwood, and that I will faithfully, honestly, and impartially discharge the duties as **FIREFIGHTER/PARAMEDIC OF THE DEPARTMENT OF FIRE AND RESCUE** for the City of Beachwood, State of Ohio, during my continuance in said office, beginning **August 5, 2019**.

MADISON WORLEY

SWORN TO before me and subscribed in my presence this **5th DAY OF AUGUST, 2019**.

Martin S. Horwitz, Mayor

PUBLIC HEARING (CONTINUED)

Allan Renzi

Mr. Renzi is a member of Bowen & Associates and is the Architect on this project.

Mr. Renzi spoke about the architecture and amenities. Some of those amenities include; a basement, fitness facility, limited covered parking, new outdoor green space, pool, common area, and rooftop patio.

Mike Burkons
2466 Richmond Road

Mr. Burkons asked how many units were going to be in this development.

Rico Pietro

Mr. Pietro stated that one hundred fifty (150) units was the target.

Mike Burkons
2466 Richmond Road

Mr. Burkons made statement regarding this project and the proposed text amendment.

Steve Rosen
2398 Allan Boulevard

Mr. Rosen stated that he agreed with Mr. Burkons comments regarding this project and the text amendment.

Rico Pietro

Mr. Pietro stated that he appreciated the comments.

Councilwoman Taylor asked if Mr. Pietro had any statistics for demographics including information on target age group.

Mr. Pietro replied that there was no specific target age group.

The Public Hearing adjourned at 7:53 PM.

MAYOR'S REPORTS

None.

COUNCIL MEMBERS (NON-AGENDA ITEMS)

None.

DEPARTMENT DIRECTOR REPORTS

Mr. Heiser spoke about getting quotations for Electrical Suppliers. Mr. Heiser mentioned that an Ordinance had previously been passed that gave permission to the Finance Director to seek quotes and enter into agreements without the specific approval of Council. Mr. Heiser stated that he has received a quotation that will give the City a Thirty Thousand Dollar and No/Cent (\$32,000.00) cost saving over two (2) years.

Mr. Arrietta stated that Cleveland Water plans on doing work on Bryden near Richmond Road.

Mr. Arrietta stated that area would be closed from 10 AM to 5 PM during the work.

CITIZEN'S REMARKS

Mike Burkons
2466 Richmond Road

Mr. Burkons spoke about the increasing appropriations for the Fire Department that is on tonight's agenda.

Mr. Burkons also spoke about levying the Mills and the challenges of the Beachwood Mall and the cost of property tax.

Charles Price
George Zeiger Drive

Mr. Price spoke about the conditions on Cedar Road and Richmond Road. Mr. Price stated that there was no work being done on Saturday or Sunday, or at night. Mr. Price also stated that he has observed no Police Officers on Cedar Road or Richmond Road to help motorists get out of the hospital and nursing home area. Mr. Price stated that it took him forty two minutes to get from Legacy Village to the Four Seasons.

Steve Rosen
2398 Allan Boulevard

Mr. Rosen spoke about the incident that had occurred previously at Beachwood Place.

Mr. Rosen suggested installing blue lights in throughout the parking lot. Mr. Rosen also suggested building a Police substation on the property.

APPROVAL OF MINUTES

Approval of the Minutes of the Regular Council Meeting held on May 6, 2019.

Moved by B. Linick, seconded by J. Berns, that the Minutes of the Regular Council Meeting held on May 6, 2019 be approved.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

Approval of the Minutes of the Regular Council Meeting held on May 20, 2019.

Moved by B. Linick, seconded by J. Taylor, that the Minutes of the Regular Council Meeting held on May 20, 2019 be approved.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

Approval of the Minutes of the Regular Council Meeting held on June 3, 2019.

Moved by B. Linick, seconded by J. Berns, that the Minutes of the Regular Council Meeting held on June 3, 2019 be approved.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE

1. An Ordinance authorizing and directing the payment of certain claims (Bills) for professional and other services; and declaring this to be an urgent measure.

Moved by B. B. Janovitz, seconded by J. Taylor, that Ordinance No. 2019-75 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by B. B. Janovitz, seconded by J. Taylor, that Ordinance No. 2019-75 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

2. A Resolution authorizing the Mayor to enter into an Agreement with NOPEC, INC., The Northeast Ohio Public Energy Council ("NOPEC") for an Energized Community Grant Agreement; and declaring this to be an urgent measure.

Moved by J. Taylor, seconded by J. Pasch, that Resolution No. 2019-1 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Taylor, seconded by J. Pasch, that Resolution No. 2019-1 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE (CONTINUED)

3. An Ordinance authorizing the Director of Finance to Transfer Certain Funds from the General Fund (101) to the Debt Service Fund (331) and the Capital Improvements Fund (441); and declaring this to be an urgent measure.

Moved by A. Isaacson, seconded by E. Synenberg, that Ordinance No. 2019-76 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by E. Synenberg, that Ordinance No. 2019-76 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

4. An Ordinance amending appropriations for Current Expenditures and Other Expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2019, January 1, 2019 to December 31, 2019, Inclusive; and declaring this to be an urgent measure.

Moved by B. B. Janovitz, seconded by A. Isaacson, that Ordinance No. 2019-77 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by B. B. Janovitz, seconded by A. Isaacson, that Ordinance No. 2019-77 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE (CONTINUED)

5. An Ordinance accepting a quotation from Charter Communications Operating, LLC on behalf of Spectrum to provide the City of Beachwood, Ohio Internet Service for a period of Thirty-Six (36) Months; and declaring this to be an urgent measure.

Moved by A. Isaacson, seconded by B. B. Janovitz, that Ordinance No. 2019-78 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by B. B. Janovitz, that Ordinance No. 2019-78 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

6. An Ordinance accepting a quotation from E-Technologies Group, LLC for the Purchase and Installation of an EATON 15 KVA 208 V UPS System for the City of Beachwood, Ohio and declaring this to be an urgent measure.

Moved by E. Synenberg, seconded by J. Pasch, that Ordinance No. 2019-79 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by E. Synenberg, seconded by J. Pasch, that Ordinance No. 2019-79 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

LEGAL AND PERSONNEL COMMITTEE

1. An Ordinance accepting an Easement to the City of Cleveland, Ohio and the City of Beachwood, Ohio from Beachwood Senior Living, LLC DBA Rose Senior Living Beachwood for the Installation and Maintenance of a Water Main for the Purpose of Supplying Water Service; and declaring this to be an urgent measure.

Moved by J. Pasch, seconded by J. Berns, that Ordinance No. 2019-80 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Pasch, seconded by J. Berns, that Ordinance No. 2019-80 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

PUBLIC WORKS COMMITTEE

1. A Motion authorizing the Clerk to advertise for bids for the 2019 Asphalt and Concrete Patching Program.

Moved by J. Berns, seconded by J. Taylor, that the Motion be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.

MOTION ADOPTED

SAFETY AND PUBLIC HEALTH COMMITTEE

1. An Ordinance accepting a quotation from Interaction Insight GLR, Corporation DBA Stephen Campbell and Associates to purchase an Eventide Nexlog 740 Recording System and Application Software for the City of Beachwood, Ohio Police Department; and declaring this to be an urgent measure.

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2019-81 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2019-81 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

ADJOURNMENT

Moved by J. Taylor, seconded by J. Berns, to adjourn the Regular Council Meeting at 8:18 P.M. to the next regularly scheduled Council Meeting.

ROLL CALL	Yes:	J. Berns, A. Isaacson B. B. Janovitz, B. Linick, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

Approved:

Clerk

Mayor

Pursuant to Ordinance Number 2017-107 Council has determined that the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission shall consist of the Audio Recording of the meetings together with a written synopsis of all agenda items and votes.

INTRODUCED BY:

ORDINANCE NO. 2019-84

AN ORDINANCE AMENDING CHAPTER 903, “USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES” OF THE STREETS AND PUBLIC SERVICES CODE; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Substitute House Bill 478 (Sub. H.B. 478) took effect on August 1, 2018; and

WHEREAS, Sub. H.B. 478 amended Ohio Revised Code Chapter 4939 with regard to the authority of municipalities to regulate the installation of small cell wireless facilities in the right-of-way, including on utility poles, traffic signals, and street lights, including municipally-owned facilities, and to construct, maintain, modify, operate, or replace wireless support structures in the right-of-way; and

WHEREAS, Sub. H.B. 478 contained provisions addressing the fees that local governments could charge to Facilities Operators for applications to install Small Cell Facilities in the public right-of-way and for attachment of Small Cell Facilities to municipally-owned wireless support structures, which fee amounts resulted from extensive discussions involving municipalities, the Ohio Municipal League, and wireless service providers including AT&T, Verizon Wireless and Sprint, and many comments and suggestions from electric utilities, cable television providers, and additional small cell facility owners and operators who supported the fee provisions as reasonable and acceptable; and

WHEREAS, Sub. H.B. 478 also revised ORC Chapter 4939 to authorize municipalities to adopt and enforce design guidelines applicable to small cell infrastructure deployments, provided that the guidelines must be reasonable, and written, and based upon objective criteria regarding (1) the location of ground-mounted small cell facilities; (2) the location of a small cell facility on a pole; (3) the appearance and concealment of small cell facilities, including those relating to materials used for arranging, screening, or landscaping; and (4) the design and appearance of wireless support structures including height limitations otherwise consistent with the statute; and

WHEREAS, this Council, on July 16, 2018 adopted Ordinance No. 2018-119 creating a new Chapter 903 of the Codified Ordinances of the City of Beachwood to regulate the use and occupancy of the public rights of way within the City for small cell wireless facilities and support structures, as well as Ordinance No. 2018-120, also adopted July 16, 2018, creating a new Chapter 905 containing design guidelines applicable to small cell wireless facilities and support structures pursuant to Sub. H.B. 478; and

WHEREAS, on September 26, 2018, the Federal Communications Commission adopted a Declaratory Ruling and Order known as the “Small Cell Order” that limits and revises state and local authority to manage and regulate certain small cell wireless installations within public rights-of-way nationwide, including local fees associated with such management and regulation, as well as the extent to which such regulations may deal with local aesthetic concerns, and preempts inconsistent state and local regulations; and

WHEREAS, the FCC in December 2018 denied local government-filed motions to stay the effective date of the Small Cell Order, which has been challenged in Court, such that the Order took effect on January 14, 2019; and

WHEREAS, this Council desires to amend its regulations applying to small cell facilities, new wireless support structures, and the persons and entities who desire to construct, operate, and maintain such facilities in the City, found in Chapter 903 of the Codified Ordinances of the City of Beachwood,

“Use Of Public Ways For Small Cell Wireless Facilities And Wireless Support Structures,” to lawfully exercise municipal authority on this subject in a manner that is consistent with Ohio Revised Code Chapter 4939 and the FCC’s Small Cell Order.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, Cuyahoga County, State of Ohio, that:

Section 1. Chapter 903 “Use Of Public Ways For Small Cell Wireless Facilities And Wireless Support Structures” of the Streets and Public Services Code, of the Codified Ordinances of the City of Beachwood be amended to read as follows:

**“CHAPTER 903
USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND
WIRELESS SUPPORT STRUCTURES**

903.01 OVERVIEW AND PURPOSE; DEFINITIONS

- (a) The purpose of this Chapter is to:
- (1) Provide standards for the construction, installation, modification, operation, and removal of Facilities and Wireless Support Structures in the City’s Right-of-Way to protect the health, safety, and welfare of the citizens of the City;
 - (2) Preserve the character of the City, including the City’s neighborhoods, downtown, [other business districts](#) and historic districts;
 - (3) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically pleasing installation of Facilities and Wireless Support Structures; and
 - (4) Comply with, and not conflict with or preempt, all applicable state and federal ~~laws~~ [law; and](#)
 - (5) [Facilitate deployment of small cell Facilities and advanced wireless communications within the City in a manner that complies with the requirements of this Chapter and does not materially inhibit such deployment or the provision or availability of advanced wireless communications.](#)
- (b) For the purpose of this Chapter, and the interpretation and enforcement hereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:
- (1) “Applicant” means any person or entity who submits an Application pursuant to this Chapter.
 - (2) “Application” means all necessary documentation submitted by an Applicant to obtain a Small Cell Use Permit from the City to Collocate a Small Cell Facility and/or to construct, maintain, modify, operate, or replace a Wireless Support Structure.

- (3) “Accessory Equipment” means equipment used in conjunction with a Small Cell Facility and generally at the same location of the Small Cell Facility, including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs.
- (4) “City” means the City of Beachwood.
- (5) “Collocation” or “Collocate” means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.
- (6) “Design Guidelines” means standards applicable to Small Cell Equipment and Wireless Support Structures in the Right-of-Way, established in Chapter 905.
- (7) “Facilities” means Small Cell Facilities, Accessory Equipment, and Wireless Support Structures.
- (8) “Facilities Operator” means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of Facilities. Facilities Operator includes:
 - (i) Operators;
 - (ii) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to O.R.C. Section 4939.031(E) and who have obtained a Small Cell Use Permit; and
 - (iii) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to O.R.C. Section 4939.033 and who have obtained a Small Cell Use Permit.
- (9) “Eligible Facilities or Eligible Support Structure Request” means any request for modification of an existing support structure or base station that does not *substantially change* the physical dimension of such support structure involving Collocation of new Facilities; removal of Facilities; or replacement of Facilities. A substantial change means:
 - (i) A modification that changes the physical dimension of a Wireless Support Structure by increasing the height of the Wireless Support Structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater; and/or by adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the Wireless Support Structure by more than six (6) feet;
 - (ii) The installation of more than the standard number of equipment cabinets for the technology involved or the installation of more than (4) cabinets, whichever is less;

- (iii) The installation for any new ground-mounted equipment cabinets if there are not existing ground-mounted equipment cabinets;
- (iv) Any excavation or deployment outside of the current site of the Facility;
- (v) Removal of any concealment elements of the Facilities or the Wireless Support Structure; and
- (vi) Any change that does not comply with this Chapter, the Design Guidelines set forth in Chapter 905, or state or federal law and regulations.

The threshold for measuring increases that may constitute a substantial change are cumulative, measured from the Facilities as originally permitted (including any modifications that were reviewed and approved by the City prior to the enactment of the Spectrum Act on February 22, 2012.)

- (10) “Operator” means a wireless service provider, cable Operator, or a video service provider that operates a Small Cell Facility and provides wireless service, including a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.
- (11) “Public Way” or “Right-of-Way” means the surface of, and the space within, through, on, across, above or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.
- (12) “Small Cell Facility” means a wireless facility ~~that meets both of the following requirements:~~

(A) That meets both of the following requirements:

- (i) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than six (6) cubic feet in volume; and
- (ii) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and

vertical cable runs for the connection of power and other services; and

(B) That includes a “Small Wireless Facility,” which is a type of Small Cell Facility (i) in which each antenna is located within an enclosure of not more than three (3) cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than three (3) cubic feet in volume, (ii) where such antenna is associated with a structure (a) 50 feet or less in height, including the antenna, or (b) that is not more than 10 percent taller than adjacent structures, or (c) is not extended by more than 10 percent or to a height exceeding 50 feet, whichever is greater, and (iii) that also otherwise satisfies the definition of “Small Wireless Facilities” found in the Federal Communications Commission’s September 26, 2018 Small Cell Order, FCC 18-133.

- (13) “Small Cell Equipment” means a Small Cell Facility and all Accessory Equipment.
- (14) “Small Cell Use Permit” means the permit granted by the City authorizing the Applicant to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way.
- (15) “Wireless Support Structure” means any public or private pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting Small Cell Facilities. As used in this Chapter, “Wireless Support Structure” excludes ~~all of~~ the following except in connection with a Small Wireless Facility, in which case the following are not excluded:
 - (i) A utility pole or other facility owned or operated by a municipal electric utility; and
 - (ii) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

903.02 CONSENT REQUIRED

- (a) Any person or entity seeking to Collocate a Small Cell Facility in the Right-of-Way, or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way, shall first file a written Application for a Small Cell Use Permit with the City’s Building Commissioner in accordance with the requirements in this Chapter, Design Guidelines set forth in Chapter 905, O.R.C. Chapter 4939, and all applicable state and federal laws and regulations.
- (b) Applicants are strongly encouraged to contact the City’s Building Commissioner and request a pre-Application conference with the City Engineer. This meeting will provide an opportunity for early coordination regarding proposed Facilities,

locations, design, Application submittal, and the approval process in order to avoid any potential delays in the processing of an Application and deployment of Facilities in the City.

- (c) A Small Cell Use Permit granted under this Chapter shall not convey any right, title or interest in the Right-of-Way, but shall be deemed a permit only to use and occupy the Public Ways for the limited purposes and term stated in the permit, this Chapter, and the Design Guidelines set forth in Chapter 905. Further, no Small Cell Use Permit shall be construed as any warranty of title.

903.03 PERMIT APPLICATION TYPES

Applicants shall classify their Application as one of the following types:

- (a) Type 1: Eligible Facilities Requests.
- (b) Type 2: Application for Collocation of Small Cell Equipment on a Wireless Support Structure that does not constitute an Eligible Facilities Request.
- (c) Type 3: New Wireless Support Structure. Such applications will address construction, modification, replacement, or removal of a Wireless Support Structure within the Right-of-Way. At the time of Application, Applicants shall certify that Small Cell Equipment will be placed on the Wireless Support Structure within one hundred and eighty (180) days from the date the Small Cell Use Permit is issued.
- (d) [For Type 2 and Type 3 Applications, Applicants shall indicate whether the Applicant is or is not applying for a Small Wireless Facility.](#)

903.04 CONSOLIDATED CONSENT APPLICATIONS

- (a) Pursuant to O.R.C. Section 4939.0312, an Applicant may file one consolidated application for up to thirty (30) individual small cell Facilities or thirty (30) individual Wireless Support Structures as long as the facilities or structures for which consent is requested are substantially similar.
 - (1) Small Cell Facilities shall be considered substantially similar when the Small Cell Equipment is identical in type, size, appearance and function.
 - (2) Wireless Support Structures shall be considered substantially similar when the Wireless Support Structures are identical in type, size, appearance and function and are to be located in a similar location.
 - (3) Applications for [Small Cell](#) Facilities and Wireless Support Structures cannot be commingled.
- (b) The City may, at its discretion, require separate Applications for any Small Cell Facilities or Wireless Support Structures that are not substantially similar.
- (c) [Although applications for Small Wireless Facilities may be filed on a consolidated basis, applications involving Small Wireless Facilities may not be commingled with applications for other Small Cell Facilities or Wireless Support Structures. The limit](#)

on the number of applications that may be filed in a consolidated application pursuant to Section 903.04(a) shall not apply to applications for Small Wireless Facilities.

903.05 APPLICATION FEE

- (a) The fee for each application is Two Hundred Fifty Dollars (\$250.00). The City shall adjust the fee by ten percent (10%) every five years, rounded to the nearest Five (5) Dollars, beginning in the year 2023.
- (b) An Application shall not be deemed complete until the fee is paid.
- (c) If Applications are consolidated, then the fee shall be the sum resulting from the fee set forth in subsection (a) multiplied by the total number of Facilities or Wireless Support Structures included in the consolidated Application.

903.06 ATTACHMENT FEE

- (a) In addition to the Application Fee, an annual fee shall be paid to the City for each Small Cell Facility attached to a municipally-owned Wireless Support is Two Hundred Dollars (\$200.00). The City shall adjust the attachment fee by ten percent (10%) every five years, rounded to the nearest five (5) dollars, beginning in the year 2023.
- (b) The first-year attachment fee shall be paid when the collocation is complete, and no later than January 1 each year thereafter. The first-year attachment fee shall not be prorated, regardless of the date that the collocation is complete.

903.07 REQUIRED APPLICATION MATERIALS

The Applicant must submit the following documentation with each Application.

- (a) Completed Application form including the identity, legal status and federal tax identification number of the Applicant, as well as all affiliates and agents of the Applicant that will use or be, in any way, responsible for the Facilities.
- (b) The name, address, and telephone number of the local officer, agent, or employee responsible for the accuracy of the application to be notified in case of emergency.
- (c) Fully dimensional scaled, engineered and surveyed site plan (scale no smaller than one inch equals forty (40) feet). The site plan must include:
 - (1) The exact proposed location of the Facilities within the Right-of-Way;
 - (2) All existing Facilities with all existing transmission equipment;
 - (3) The location of all overhead and underground public utilities, telecommunications, cable, water, sanitary sewer, and storm water drainage utilities in the Public Way within one hundred (100) feet surrounding the proposed Facilities with confirmation of location by OUPS.

- (4) The legal property boundaries, as surveyed, within one hundred (100) feet surrounding the proposed Facilities;
 - (5) Indication of distance between the Facilities and existing curbs, driveways, sidewalks, trees, utilities, other poles, and existing buildings within one hundred (100) feet surrounding the proposed Facilities; and
 - (6) Access and utility easements within one hundred (100) feet surrounding the proposed Facilities.
- (d) Elevation drawings (scale no smaller than one inch equals ten (10) feet) of the proposed Facilities.
- (e) Evidence that the Applicant provided notice by mail to all property owners within a three (300) foot radius of the proposed Facilities, excluding the Right-of-Way, prior to submitting the Application. The notice shall include:
 - (1) Name of the Applicant;
 - (2) Estimated date Applicant intends to submit the Application;
 - (3) Detailed description of the proposed Facilities and the proposed location; and
 - (4) Accurate, to-scale photo simulation of the proposed Facilities. Scale shall be no smaller than one inch equals forty (40) feet.
- (f) A preliminary installation/construction schedule and completion date.
- (g) Structural calculations prepared, stamped and signed by an engineer licensed and registered by the State of Ohio showing that the Wireless Support Structure can accommodate the weight of the proposed small cell equipment.
- (h) Analysis demonstrating that the proposed Facilities do not interfere with the City's public safety radio system, traffic and emergency signal light system, or other City safety communications components. It shall be the responsibility of the Applicant to evaluate, prior to making the Application for a Small Cell Use Permit, the compatibility between the existing City infrastructure and Applicant's proposed Facilities.
- (i) A landscape plan that demonstrates screening of proposed small cell equipment.
- (j) Drawings of the proposed Facilities. For all equipment depicted, the Applicant must also include, if applicable:
 - (1) The manufacturer's name and model number;
 - (2) Physical dimensions, including, without limitation, height, width, depth and weight with mounts and other necessary hardware; and
 - (3) The noise level generated by the equipment, if any.

- (k) If the Applicant is not an Operator, then the Applicant must provide written proof that the Applicant has been engaged by a wireless service provider who will be the end-user of the Facilities. The proof shall be in the form of a written agreement, license or other certification of authority, including but not limited to a Certificate of Public Convenience and Necessity from the PUCO.
- (l) If the Small Cell Facilities and Small Cell Equipment are to be located other than on a municipally-owned Wireless Support Structure, the Applicant shall provide written confirmation of permission to use the Wireless Support Structure upon which the Small Cell Facilities and Small Cell Equipment will be located.

903.08 APPLICATION REVIEW

- (a) Applications shall be evaluated in the timeframes as follows:
 - (1) Type 1 Applications 60 days
 - (2) Type 2 Applications 90 days, except that for Small Wireless Facilities, the timeframe for a Type 2 application shall be 60 days.
 - (3) Type 3 Applications 120 days, except that for new Wireless Support Structures upon which a Small Wireless Facility is to be mounted, the timeframe for a Type 3 Application shall be 90 days.
- (b) Applications shall be reviewed for completeness. If the Application is incomplete, then the Applicant will be notified of the insufficiency, and the timeframes set forth in subsection (a) shall be tolled until the Application is made complete, as described below:
 - (1) To toll the time period for incompleteness, the City must provide written notice to the Applicant, specifically identifying all missing documents or information, within thirty (30) days after receiving the Application; except that where an Applicant has indicated that the Application is for a Small Wireless Facility, or a Wireless Support Structure upon which a Small Wireless Facility is to be mounted, the written notice shall be provided within ten (10) days after receiving the Application.
 - (i) In the case of a proper and timely initial written notice of incompleteness provided concerning an Application involving a Small Wireless Facility pursuant to subsection (b)(1), the time period set forth in subsection (a) shall be deemed never to have started running at all until Applicant provides a supplemental submission.
 - (2) The time period set forth in subsection (a) will begin to run again when the Applicant provides a supplemental submission in response to the City's notice of incompleteness issued pursuant to subsection (b), but may be tolled again if the City notifies the Applicant in writing, within ten (10) days of receiving a supplemental submission, that the Application remains incomplete and identifies which items specified in the original notice of incompleteness are still missing. Timely notice by the City of the deficiencies

in a supplemental submission tolls the time period set forth in subsection (a) until the Applicant supplies the specified information.

- (c) The timeframes set out in subsection (a) may ~~also~~ be tolled ~~as follows~~ by mutual agreement between the Applicant and the City. The timeframes in subsections (a)(2) and (a)(3) may also be tolled as follows, except that where an Applicant has indicated that the Application is for a Small Wireless Facility, the provisions of subsections (c)(1) and (c)(2) below do not apply:

- (1) If the City receives between fifteen (15) and thirty (30) applications in a thirty-day period, then the City may toll for an additional twenty-one (21) days beginning with the sixteenth (16th) application.
- (2) If the City receives more than thirty (30) applications in a thirty (30) day period, then the City may toll for an additional fifteen (15) days for every fifteen (15) applications received, up to a maximum tolling period of ninety (90) days, as indicated below:

<u>(i)</u>	<u>Applications 31-45:</u>	<u>36 additional days</u>
<u>(ii)</u>	<u>Applications 46-60:</u>	<u>51 additional days</u>
<u>(iii)</u>	<u>Applications 61-75:</u>	<u>66 additional days</u>
<u>(iv)</u>	<u>Applications 76-90:</u>	<u>81 additional days</u>
<u>(v)</u>	<u>Applications 91+:</u>	<u>90 additional days.</u>

~~(3) By mutual agreement between the Applicant and the City.~~

- (3) ~~(4)~~ When an Applicant submits an underground area waiver pursuant to Section 905.13(d) of the Codified Ordinances, in which case the City may toll for an additional fourteen (14) days.

- (d) If two Applicants request to Collocate on the same Wireless Support Structure or two Wireless Support Structures are proposed within a distance that would violate the spacing requirements set forth in Section 903.16, then the City's Building Commissioner may resolve the conflict in any reasonable and nondiscriminatory manner.
- (e) If a request for consent is denied, the City shall provide, in writing, its reasons for denying the request, supported by substantial, competent evidence. The denial of consent shall not unreasonably discriminate against the Applicant. Grounds for denying an Application may include, but are not limited to:
- (1) Failure to provide information required under Section 903.07;
 - (2) Failure to comply with Design Guidelines set forth in Chapter 905;
 - (3) Failure to provide financial surety pursuant to Section 903.15;
 - (4) Failure to remove abandoned Facilities as required under Section 903.12;
 - (5) Conflict with the historic nature or character of the surrounding area;

- (6) Conflict with planned future improvements in the Right-of-Way; and
- (7) Failure to comply with generally applicable health, safety, and welfare requirements.

903.09 PERMITTING PROCESS, DURATION, AND TERMINATION

- (a) Upon approval of its Application, an Applicant shall receive a Small Cell Use Permit indicating that the City has granted the Applicant consent to occupy the Right-of-Way.
- (b) A Small Cell Use Permit issued to an Operator shall have duration of ten (10) years. Permits may be renewed for five year terms.
- (c) A Small Cell Use Permit issued to a Facilities Operator who is not an Operator shall have a term of ten (10) years or the duration of the Facilities Operator's agreement with a wireless service provider provided pursuant to Section 903.07(k), whichever is shorter.
- (d) A Small Cell Use Permit shall not be renewed if the Facilities Operator or the Facilities are not in compliance with all applicable laws and regulations.
- (e) Pursuant to O.R.C. Section 4939.0314(E), a Small Cell Use Permit shall be deemed terminated if the Facilities Operator has not completed construction of the Facilities or has failed to attach Small Cell Equipment to a Wireless Support Structure within one hundred and eighty (180) days of issuance of the permit, unless the delay is caused by:
 - (1) Make-ready work for a municipally-owned Wireless Support Structure; or
 - (2) Due to the lack of commercial power or backhaul availability at the site, provided that the Operator has made a request for commercial power or backhaul services within sixty days after the Small Cell Use Permit was granted.

If the additional time to complete the installation exceeds three hundred sixty (360) days after the issuance of the permit, then the permit shall be deemed terminated regardless of the cause of the delay.

- (f) A Small Cell Use Permit for a new Wireless Support Structure shall be deemed terminated if the Facilities Operator fails to attach Small Cell Equipment to the new Wireless Support Structure within one hundred and eighty (180) days of issuance of the Small Cell Use Permit.
- (g) If the Facilities Operator fails to remit the annual attachment fee required pursuant to Section 903.10, then the Small Cell Use Permit will expire on the ninetieth (90th) day from the date the annual attachment fee was due.
- (h) A Small Cell Use Permit may be terminated by the Facilities Operator at any time upon service of sixty (60) days written notice to the City.

- (i) Upon termination of a Small Cell Use Permit, the Facilities Operator shall restore and rehabilitate all City-owned Wireless Support Structures and the Right-of-Way to their former condition and utility.
- (j) The City shall not issue any refunds for any amounts paid by the Facilities Operator upon termination of the permit.

903.10 ANNUAL REGISTRATION

- (a) All Facilities Operators with consent to occupy or use the Right-of-Way shall register with the City each calendar year between January 1 and January 31 on a form provided by the City. The form will allow the Facilities Operator to indicate when there is no change in the information required, and when such indication is submitted, previously provided information will be considered current and will be relied upon. Facilities Operators who obtain consent to occupy the Right-of-Way after September 30 of any year need not file an Annual Registration for next calendar year.
- (b) The purpose of registration under this Section is to:
 - (1) Compile, update and supplement the City's database so that the City has accurate and current information concerning the Facilities Operators that own or operate Facilities in the City's public Right-of-Way;
 - (2) Assist the City in monitoring the usage of the public Right-of-Way in order to ensure that the public receives the maximum possible benefit from that use, and the use is consistent with the best management and care of the public Right-of-Way;
 - (3) Assist the City in the collection and enforcement of any municipal taxes, fees, or other charges that may be due the City; and
 - (4) Assist the City in monitoring compliance with local, state and federal laws.
- (c) Registration forms will be provided by the City and shall require the following information:
 - (1) Any material changes to the information the Facilities Operator provided to the City in the Application for Small Cell Use Permit including, but not limited to:
 - (i) The identity, legal status, and federal tax identification number of the Facilities Operator, including any affiliates or agents.
 - (ii) The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the Facilities Operator's registration statement and available at all reasonable times to be notified in case of emergency.

- (iii) Evidence that the Facilities Operator is in compliance with the insurance, indemnity and financial surety requirements pursuant to this Chapter.
 - (iv) Such other information as the City's Building Commissioner may reasonably require.
- (d) In addition to the annual registration requirement, each Facilities Operator shall keep all required registration information current at all times and shall provide the City with notice of changes to the required information within fifteen (15) days following the date on which the Facilities Operator has notice of the need for such change.

903.11 NONCONFORMING FACILITIES

- (a) Facilities in the Right-of-Way that are legally in existence on the date of the adoption of this Chapter but that do not comply with the requirements of this Chapter may remain in the Right-of-Way but shall be considered a nonconforming facility.
- (b) Any person or entity who owns or operates a Nonconforming Facility shall register such facility pursuant to Section 903.10 within ninety (90) days of the date this ordinance takes effect.
- (c) If a nonconforming facility is damaged or destroyed beyond repair, any replacement facility must be designed in accordance with all provisions of this Chapter, the Design Guidelines established in Chapter 905, and state and federal law and regulations.

903.12 ABANDONED AND DAMAGED FACILITIES

- (a) A Facilities Operator shall provide written notice to the City of its intent to discontinue use of any Facilities. The notice shall include the date the use will be discontinued. If Facilities are not removed within three hundred sixty five (365) days from the date the use was discontinued, the Facilities shall be considered a nuisance and the City may remove the Facilities at the expense of the Facilities Operator.
- (b) In the event that Facilities are damaged, the Facilities Operator shall promptly repair the damaged Facilities. Damaged Facilities shall be repaired no later than thirty (30) days after obtaining written notice that the Facilities were damaged. If the damaged Facilities are not repaired within thirty (30) days, then the damaged Facilities shall be considered a nuisance and the City may repair or remove the Facilities at the expense of the Facilities Operator.

903.13 INSURANCE REQUIREMENTS

- (a) As a condition of the City's consent to occupy the Right-of-Way, a Facilities Operator must secure and maintain the following liability insurance policies insuring both the Facilities Operator and the City, and its elected and appointed officers, officials, agents and employees as additional insureds:
 - (1) Comprehensive general liability insurance with limits not less than:

- (i) Five Million Dollars (\$5,000,000.00) for bodily injury or death to each person;
 - (ii) Five Million Dollars (\$5,000,000.00) for property damage resulting from any one (1) accident; and
 - (iii) Five Million Dollars (\$5,000,000.00) for all other types of liability.
- (2) Automobile liability for owned, non-owned and hired vehicles with a limit of Three Million Dollars (\$3,000,000.00) for each person and Three Million Dollars (\$3,000,000.00) for each accident.
 - (3) Worker's compensation within statutory limits and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000.00).
 - (4) Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than Three Million Dollars (\$3,000,000.00).

(b) Each such insurance policy shall contain the following endorsement:

“It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the City, by registered mail, of a written notice addressed to the City’s Building Commissioner of such intent to cancel or not to renew.”

(c) Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the Facilities Operator shall obtain and furnish to the City replacement insurance policies meeting the requirements of this subsection.

(d) Upon written application to, and written approval by the Building Commissioner, a Facilities Operator may be self-insured to provide all of the same coverages as listed in this section; except that all coverages for Workers’ Compensation shall be in compliance with State law. No approval for self-insurance shall be given until the Finance Director has made a complete review of the Facilities Operator’s financial ability to provide such self-insurance and notifies the Building Commissioner that such review has been completed. As part of the review process, the Building Commissioner may require, and the self-insurance applicant shall provide, any and all financial documents necessary to make a valid determination of the applicant’s ability to meet the needs of this Chapter.

903.14 INDEMNIFICATION

A Facilities Operator shall indemnify, protect, defend, and hold the City and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the Operator who owns or operates Small Cell Facilities and wireless service in the Right-of-Way, any agent, officer, director, representative,

employee, affiliate, or subcontractor of the Operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining Facilities in the Right-of-Way.

903.15 FINANCIAL SURETY

- (a) Each Facilities Operator must procure and provide to the City a bond, escrow, deposit, letter of credit, or other financial surety to ensure compliance with this Chapter and Chapter 4939. The financial surety must be in an amount sufficient to cover the cost of removal of all Facilities owned or operated by the Facilities Operator but not less than \$50,000 or such lesser amount as the Building Commissioner may determine to adequately protect the City's interest.
- (b) The City may, in its sole discretion, draw on the financial surety to remove abandoned Facilities, remove or repair damaged Facilities, or to repair damage to any City property caused by the Facilities Operator or its agent. In such event, the Facilities Operator shall cause the financial surety be replenished to its prior amount within ten (10) business days after City notifies the Facilities Operator that it has drawn on the financial surety.

903.16 RESERVED SPACE

The City reserves the right to install, and permit others to install, Facilities in the Right-of-Way. The City may reserve space in the Right-of-Way and on Wireless Support Structures for future utility, safety, sidewalk or other transportation uses. Such space may be reserved in an ordinance or plan approved by the Mayor, City Council, Building Commissioner, City Engineer, or Planning and Zoning Commission.

903.17 REMOVAL OR RELOCATION OF FACILITIES

- (a) ~~The~~ Consistent with O.R.C. Section 4939.08, the City may require a Facilities Operator to remove or relocate Facilities to accomplish construction and maintenance activities. The Facilities Operator shall remove or relocate the Facilities at no cost to the City. If the Facilities Operator fails to remove or relocate the Facilities within ninety (90) days of receiving a request to do so from the City, then the City may remove the Facilities at Facilities Operator's sole cost and expense, without further notice to the Facilities Operator.
- (b) If the Facilities are placed in a location other than the location approved by the City, the Facilities Operator shall relocate the Facilities within thirty (30) days of receiving notice that the Facilities are located improperly.

903.18 NOTICE OF WORK

- (a) A Facilities Operator shall notify the City's Building Commissioner of all nonemergency work within ten (10) calendar days prior to performing any upgrades or maintenance on any Facilities, regardless of whether the work requires any permit or consent from the City.

903.19 EXCAVATION PERMIT

If a Facilities Operator must construct, reconstruct, alter, repair, remove or replace any culvert, sidewalk or driveway in any public street or road Right-of-Way, then the Facilities Operator shall obtain the required permit pursuant to Chapter 901 and Chapter 1329.

903.20 WAIVER

It is within the reasonable discretion of the Building Commissioner to waive any portion or portions of this Chapter, as permitted or warranted under state and federal law, where such requirements, in the Building Commissioner's judgment, are not necessary or appropriate to protect the City's interests and the purposes and intent of this Chapter.

903.99 PENALTIES; EQUITABLE REMEDIES

- (a) Any Applicant or Operator or other person or entity acting as the agent of an Applicant or Operator who is found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) Nothing in this Chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter."

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance is hereby declared an urgent measure which is immediately necessary for the public peace, health, safety, and welfare; and for the further reason that it shall go into effect as soon as possible; wherefore, this shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the ____ day of _____, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the ____ day of _____, 2019.

Clerk

Approval: I have approved this legislation this ____ day of _____, 2019 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2019-85

AN ORDINANCE AMENDING CHAPTER 905, "SMALL CELL DESIGN GUIDELINES," OF THE STREETS AND PUBLIC SERVICES CODE; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Substitute House Bill 478 (Sub. H.B. 478) took effect on August 1, 2018; and

WHEREAS, Substitute House Bill 478 amended Ohio Revised Code Chapter 4939 with regarding to the authority of municipalities to regulate the installation of small cell wireless facilities in the right-of-way, including on utility poles, traffic signals, and street lights, including municipally-owned facilities, and to construct, maintain, modify, operate, or replace wireless support structures in the right-of-way; and

WHEREAS, Sub. H.B. 478 also revised ORC Chapter 4939 to authorize municipalities to adopt and enforce design guidelines applicable to small cell infrastructure deployments, provided that the guidelines must be reasonable, and written, and based upon objective criteria regarding (1) the location of ground-mounted small cell facilities; (2) the location of a small cell facility on a pole; (3) the appearance and concealment of small cell facilities, including those relating to materials used for arranging, screening, or landscaping; and (4) the design and appearance of wireless support structures, including height limitations otherwise consistent with the statute; and

WHEREAS, this Council on July 16, 2018 adopted Ordinance No. 2018-119 creating a new Chapter 903 of the Codified Ordinances of the City of Beachwood to regulate the use and occupancy of the public rights of way within the City for small cell wireless facilities and support structures and Ordinance No. 2018-120, creating design guidelines applicable to small cell wireless facilities and support structures pursuant to Sub. H.B. 478; and

WHEREAS, on September 26, 2018, the Federal Communications Commission adopted a Declaratory Ruling and Order known as the "Small Cell Order" that limits and revises state and local authority to manage and regulate certain small cell wireless installations within public rights-of-way nationwide, including local fees associated with such management and regulation, as well as the extent to which such regulations may deal with local aesthetic concerns; and

WHEREAS, the FCC in December 2018 denied local government-filed motions to stay the effective day of the Small Cell Order, which had been challenged in Court, such that the Order took effect on January 14, 2019; and

WHEREAS, this Council desires to amend its design guidelines applying to small cell facilities, including wireless support structures, found in Chapter 905 of the Codified Ordinances of the City, "Small Cell Design Guidelines," to lawfully exercise the City's authority on this subject in a manner that is consistent with Ohio Revised Code Chapter 4939 and the FCC's Small Cell Order.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, Cuyahoga County, State of Ohio, that:

Section 1. Chapter 905, "Small Cell Design Guidelines," of the Streets and Public Services Code, of the Codified Ordinances of the City of Beachwood be amended to read as follows:

**“Chapter 905
SMALL CELL DESIGN GUIDELINES**

905.01 OVERVIEW AND PURPOSE, DEFINITIONS.

- (a) The purpose of these Design Guidelines is to:
- (1) Protect the health, safety, and welfare of the citizens of the City;
 - (2) Preserve the character of the City ~~’s~~, including the City’s neighborhoods,
other business districts and historic districts;
 - (3) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically pleasing installation of Facilities; and
 - (4) Comply with, and not conflict with or preempt, all applicable state and federal laws.
- (b) For the purpose of this chapter, and the interpretation and enforcement hereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:
- (1) “Applicant” means any person or entity who submits an Application pursuant to this Chapter.
 - (2) “Application” means the form issued by the City’s Building Commissioner, to be submitted by an Applicant to obtain a Small Cell Use Permit from the City to Collocate a Small Cell Facility and/or to construct, maintain, modify, operate, or replace a Wireless Support Structure.
 - (3) “Accessory Equipment” means equipment used in conjunction with a Small Cell Facility and generally at the same location as, or in proximity to, the Small Cell Facility including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs.
 - (4) “City” means City of Beachwood.
 - (5) “Collocation” or “Collocate” means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.
 - (6) “Design Guidelines” means the standards established in this Chapter 905.
 - (7) “Facilities” means Small Cell Facilities, Accessory Equipment, and Wireless Support Structures.

- (8) “Facilities Operator” means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of Facilities. Facilities Operator includes:
- (i) Operators;
 - (ii) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to O.R.C. Section 4939.031(E) and who have obtained a Small Cell Use Permit; and
 - (iii) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to O.R.C. Section 4939.033 and who have obtained a Small Cell Use Permit.
- (9) “Historic district” means a building, property, or site, or group of buildings, properties, or sites that are either of the following:
- (i) Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the national register, in accordance with section VI.D.1.a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;
 - (ii) A registered historic district as defined in section 149.311 of the Revised Code.
- (10) “Operator” means a wireless service provider, cable operator, or video service provider that operates a Small Cell Facility and provides wireless service, including a wireless service provider, cable operator, or a video service provider that provides information services as defined in the “Telecommunications Act of 1996,” 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.
- (11) “Public Way” or “Right-of-Way” means the surface of, and the space within, through, on, across, above or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.
- (12) “Small Cell Facility” means a wireless facility ~~that meets both of the following requirements:~~
- (A) That meets both of the following requirements:

- (i) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than six (6) cubic feet in volume; and
- (ii) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services “Small Cell Equipment” means a Small Cell Facility and all Accessory Equipment.

(B) That includes a “Small Wireless Facility,” which is a type of Small Cell Facility (i) in which each antenna is located within an enclosure of not more than three (3) cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than three (3) cubic feet in volume, (ii) where such antenna is associated with a structure (a) 50 feet or less in height, including the antenna, or (b) that is not more than 10 percent taller than adjacent structures, or (c) is not extended by more than 10 percent or to a height exceeding 50 feet, whichever is greater, and (iii) that also otherwise satisfies the definition of “Small Wireless Facilities” found in the Federal Communications Commission’s September 26, 2018 Small Cell Order, FCC 18-133.

- (13) “Small Cell Equipment” means a Small Cell Facility and all Accessory Equipment.
- (14) “Small Cell Use Permit” means the permit granted by the City authorizing an Applicant to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way.
- (15) “Underground Area” means an area in the Right-of-Way where existing electric utilities, cable facilities, telecommunications facilities and other facilities, other than structures and facilities owned by the City or a transit authority, are located underground.

- (16) “Wireless Support Structure” means any public or private pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting Small Cell Facilities. As used in this Chapter, “Wireless Support Structure” excludes ~~all of~~ the following except in connection with a Small Wireless Facility, in which case the following are not excluded:
- (i) A utility pole or other facility owned or operated by a municipal electric utility; and
 - (ii) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

905.02 GENERAL STANDARDS

- (a) Facilities shall not be installed unless the Facilities are compliant with these Design Guidelines, Chapter 903 of the Codified Ordinances and any Application requirements, and all applicable local, state, and federal laws.
- (b) A Facilities Operator shall not construct, maintain, modify, operate, or replace any Facilities not clearly depicted in an approved Application for a Small Cell Use Permit.
- (c) All work shall be performed in a professional manner consistent with the highest standards of workmanship.
- (d) Facilities shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.
- (e) Facilities shall not be installed in any location that causes any interference with the City’s public safety radio system, traffic and emergency signal light system, or other City safety communications systems or system components.
- (f) The City may, but is not obligated to, propose an alternative location for proposed Facilities up to one hundred (100) feet from the proposed location or within a distance that is equivalent to the width of the Public Way, whichever is greater. The Facilities Operator shall utilize the alternative location unless the Facilities Operator shows that the alternative location is not technically feasible or would materially inhibit the provision of wireless services by the Facilities Operator within the City.
- (g) Facilities shall not interfere with existing or planned street trees.
- (h) Signage shall be mounted on all new Facilities providing the Facilities Operator’s name, an emergency contact phone number, an informational contact number, and all other information required by law. Unless otherwise prohibited by law, signage shall be discreet in color and shall match the Facilities and surrounding area and font size used on the sign shall be no smaller than 9 point font and no larger than 14 point font.

- (i) Unless otherwise required by law, all manufacturer stickers and decals shall be removed from Facilities.
- (j) Facilities shall be camouflaged using existing land forms, vegetation, and structures to screen the Facilities from view and to blend in with the surrounding built and natural environment.
- (k) The City may require the Facilities Operator to incorporate additional concealment elements before approving an Application. Concealment elements may include, but shall not be limited to, fencing, public art, strategic placement, and placement within existing or replacement street furniture.
- (l) Facilities shall not have any flashing lights, sirens or regular noise other than a cooling fan that may run intermittently.
- (m) All hardware, including antenna mounting brackets and hardware, antenna mounting posts, cables, shrouds and other equipment mounted shall be painted in a color designated by the City, and the color shall match the Facilities. The City may require the Facilities Operator use a different, non-matching color on a case-by-case basis when the City determines a non-matching color would better fulfil the purposes of these Design Guidelines.
- (n) A Facilities Operator shall remove or paint over any graffiti on the Facilities at Facility Operator's sole expense as soon as practicable, but no later than ten (10) days from the date the Facilities Operator receives notice of the graffiti.

905.03 SPECIFICATIONS FOR COLLOCATION

- (a) Small Cell Equipment shall not interfere with the primary purpose of a Wireless Support Structure.
- (b) Small Cell Equipment to be attached to a Wireless Support Structure shall be attached at least eight (8) feet above ground level. If Small Cell Equipment is projecting toward the street then the Small Cell Equipment shall be installed no less than sixteen (16) feet above ground level.

905.04 ANTENNAS

- (a) Antennas and Accessory Equipment must be capable of fitting within an enclosure not larger than six (6) cubic feet in volume.
- (b) Antennas and Accessory Equipment shall not increase the overall height of an existing Wireless Support Structure by more than five (5) feet; provided, however, that the permissible increase in height resulting from collocation or installation of a Small Wireless Facility on a Wireless Support Structure shall be as provided in Section 905.01(b)(12).
- (c) Antennas mounted on a Wireless Support Structure shall be enclosed inside the Wireless Support Structure whenever possible and otherwise within a canister or other shroud. All Accessory Equipment associated with the antenna shall be concealed and shall not visibly protrude from the shroud or canister.

- (d) The width of the canister or other shroud encasing the antenna and Accessory Equipment shall not exceed the width of the narrowest portion of the Wireless Support Structure.
- (e) The enclosure or shroud shall be painted to match or compliment the Wireless Support Structure.
- (f) Antennas shall be installed in a manner that minimizes the visual impact to the general public.
- (g) Antennas shall not impair light or views from adjacent window(s).
- (h) Antennas located on the exterior of a Wireless Support Structure shall be top-mounted on a Wireless Support Structure. The City may approve a side-mounted antenna if, in the City's sole discretion, the side-mounted antenna would be more appropriate given the built environment, neighborhood character, overall site appearance or would otherwise promote the purposes in these Design Guidelines.

905.05 WIRELESS SUPPORT STRUCTURE-MOUNTED EQUIPMENT

- (a) All Wireless Support Structure-mounted Small Cell Equipment other than the antenna(s) and electric meter must be concealed within an equipment cabinet.
- (b) Equipment cabinets shall be mounted flush to the Wireless Support Structure.
- (c) Equipment cabinets shall be stacked together on the same side of the Wireless Support Structure and oriented away from any structures, and specifically windows and doorways, to minimize visual impacts thereupon.
- (d) The equipment cabinets must be non-reflective and painted, wrapped or otherwise colored to match the Wireless Support Structure.

905.06 GROUND-MOUNTED SMALL CELL EQUIPMENT

- (a) The City shall not approve the proposed location of ground-mounted Small Cell Equipment unless the Applicant (1) proposes the ground-mounted equipment in connection with a Collocation, and (2) shows that the equipment cannot be feasibly placed on the Wireless Support Structure or in an underground vault or that doing so would materially inhibit the provision of wireless services by the Facilities Operator within the City.
- (b) If technically feasible, Small Cell Equipment should be located in a vault buried underground rather than being ground-mounted. If underground placement is not technically feasible or would materially inhibit the provision of wireless services by the Facilities Operator within the City, then ground-mounted Small Cell Equipment shall be contained in a shroud or cabinet.
- (c) All ground-mounted Small Cell Equipment shall be installed in a manner that minimizes the visual and ingress/egress impact to the general public.

- (d) Ground-mounted Small Cell Equipment shall be placed as far as practicable from pedestrian sidewalks and shall neither block nor be placed within the sidewalk in any way.

905.07 CABLES

- (a) All cables, conduit and wiring shall be located inside conduit and inside the Wireless Support Structure or an equipment cabinet.
- (b) Excess cables and wiring shall not be spooled, coiled or otherwise stored on the exterior of the Wireless Support Structure unless within an enclosure. Cables shall not be externally visible.

905.08 ELECTRICAL METERS

- (a) Facilities Operators shall use flat-rate electric service when available in order to eliminate the need for a meter.
- (b) If a meter is required, then Facilities Operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter shall be painted to match the Wireless Support Structure.

905.09 UTILITY LINES

- (a) Service lines shall be underground to avoid additional overhead lines. The underground cables and wires must transition directly into the Wireless Support Structure base without any external junction box.

905.10 SPECIFICATIONS FOR REPLACEMENT OF WIRELESS SUPPORT STRUCTURES

- (a) A Facilities Operator shall be required to replace an existing Wireless Support Structure in the following circumstances:
 - (1) The Wireless Support Structure upon which the Applicant has proposed to Collocate Small Cell Equipment is deemed incapable of bearing the added weight of the Small Cell Equipment; or
 - (2) An existing Wireless Support Structure is located within 100 feet of the proposed site of a new Wireless Support Structure but the existing Wireless Support Structure is incapable of bearing the additional weight of the Small Cell Equipment.
- (b) Designs for replacement of Wireless Support Structures shall be as architecturally similar as possible to the existing Wireless Support Structure to be replaced unless otherwise approved or required by the City.
 - (1) All luminaire mast arms shall be the same length, arch, and style as the original luminaire arm, unless otherwise specified by the City.

- (2) The City may require the Facilities Operator to install a new metal Wireless Support Structure rather than a new wood support structure.
- (c) The overall height of a replacement Wireless Support Structure, including proposed Collocated antenna, shall not be more than forty (40) feet in height above ground level; provided, however, that the height of a Wireless Support Structure upon which a Small Wireless Facility is to be mounted shall be as provided in Section 905.01(b)(12).
- (d) All existing signs, traffic signals, emergency signal detection units, video detection cameras, video cameras, crosswalk service buttons, crosswalk signals, and any other pedestrian or traffic devices shall be reinstalled or replaced with new units by the Facilities Operator at no cost to the City.
- (e) The concrete Wireless Support Structure foundation for the original Wireless Support Structure shall be removed either partially or completely by the Facilities Operator as instructed by the City.
 - (1) If partially removed, the original Wireless Support Structure foundation shall be taken back to a level that is twelve (12) inches below the existing grade and covered with four (4) inches, composed of one-half ($\frac{1}{2}$) inch to three-quarter ($\frac{3}{4}$) inch of rock material. The remaining eight (8) shall be native soil.
 - (2) If the entire original Wireless Support Structure foundation must be removed, then all foundation materials (concrete, rebar, metals, bolts, etc.) shall be removed. The type of backfill material and compaction required is: (a) one-half ($\frac{1}{2}$) sack slurry for the entire depth in paved areas, and (b) one-half ($\frac{1}{2}$) sack slurry for the entire depth except the top twelve (12) inches will be native soil in landscaped areas.

905.11 SPECIFICATIONS FOR NEW WIRELESS SUPPORT STRUCTURES

- (a) New Wireless Support Structures shall be designed and constructed to accommodate at least two (2) sets of Small Cell Equipment ~~from at least two (2) wireless service providers~~ on the same Wireless Support Structure.
- (b) New Wireless Support Structures shall maintain a distance of three hundred (300) feet from existing monopoles, or utility poles.
- (c) In residential districts, new Wireless Support Structures shall be located at the shared property line between two residential parcels where the parcels intersect the Right-of-Way, when available.
- (d) In non-residential districts, new Wireless Support Structures shall be located between tenant spaces, storefront bays, or adjoining properties at the shared property lines where the parcels intersect the Right-of-Way, when available.
- (e) New Wireless Support Structures shall not interfere with any metered parking space.
- (f) A new Wireless Support Structure shall not be located in front of a building entrance or exit.

- (g) The overall height of a new Wireless Support Structure, including proposed Collocated antenna, shall not be more than forty (40) feet in height above ground level; provided, however, that the height of a Wireless Support Structure upon which a Small Wireless Facility is to be mounted shall be as provided in Section 905.01(b)(12).
- (h) The City shall require the Facilities Operator to install a decorative metal Wireless Support Structure rather than a wood Wireless Support Structure, unless otherwise determined by the City.

905.12 HISTORIC DISTRICT REGULATIONS

Except antennas, all Small Cell Equipment to be located in the Right-of-Way in a Historic District shall be located in an underground vault or shall be subject to such reasonable, technologically feasible, and non-discriminatory design or concealment measures as the City may specify, as long as such measures do not have the effect of prohibiting or materially inhibiting the Facilities Operator's provision of service. Such measures are not considered part of the small cell facility for purposes of facility size restrictions in this Chapter or Chapter 903 of the Codified Ordinances. A waiver application submitted pursuant to Section 905.13(d) will be considered if ~~it is~~ such measures are shown to be technologically infeasible.

905.13 UNDERGROUND AREA REGULATIONS

- (a) Subject to subsection (b), a Facilities Operator shall locate its Facilities underground in an Underground Area.
- (b) A Facilities Operator may replace an existing Wireless Support Structure or Collocate Small Cell Facilities on an Existing Wireless Support Structure even if the Wireless Support Structure is located in an Underground Area.
- (c) A Facilities Operator shall not install a new Wireless Support Structure in an Underground Area.
- (d) An Operator may apply to the Director of Public Service for a waiver of the underground placement requirement if the Operator is unable to achieve its service objective under the following circumstances:
 - (1) From a location in the public Right-of-Way where the prohibition does not apply;
 - (2) From a utility easement the service provider has the right to access; and
 - (3) From other suitable locations or structures made available by the City at reasonable rates, fees and terms.
- (e) Submission of a waiver application pursuant to subsection (d) is subject to the Facilities Operator's agreement to toll the timeframes set forth in Section 903.08(a) of the Codified Ordinances by fourteen (14) days.

905.14 DISCRETIONARY WAIVER

It is within the Building Commissioner's reasonable discretion to waive any portion or portions of this Chapter, as permitted or warranted under state and federal law, where strict compliance with such requirements, in the Building Commissioner's judgment, is not necessary or appropriate to protect the City's interests and the purposes and intent of this Chapter.

905.99 PENALTIES; EQUITABLE REMEDIES

- (a) Any Applicant or Operator or other person or entity acting as the agent of an Applicant or Operator who is found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) Nothing in this Chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter."

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance is hereby declared an urgent measure which is immediately necessary for the public peace, health, safety, and welfare; and for the further reason that it shall go into effect as soon as possible; wherefore, this shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the ____ day of _____, 2018, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the ____ day of _____, 2018.

Clerk

Approval: I have approved this legislation this ____ day of _____, 2018 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO: 2019-86

AN ORDINANCE APPOINTING SEVEN (7) MEMBERS TO THE CITY OF BEACHWOOD, OHIO CITIZEN FINANCE ADVISORY COMMITTEE; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Ordinance No. 2018-153, now codified as BCO Chapter 175, states that each Council member shall appoint one (1) member to the Citizen Finance Advisory Committee; and

WHEREAS, each City Council member has nominated one of the following seven (7) Members for the City of Beachwood, Ohio Citizen Finance Advisory Committee for inaugural terms ending August 5, 2020, August 5, 2022, and August 5, 2023 respectively; and

WHEREAS, the Finance Director and Auditor shall be permanent members of the Citizen Finance Advisory Committee.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The appointment by City Council of the following seven (7) members for the Citizen Finance Review Committee for the City of Beachwood, Ohio for inaugural terms for one (1) member ending August 5, 2020, three (3) members ending August 5, 2022, and three (3) members ending August 5, 2023 is hereby confirmed.

Todd Felder	(3 Year Term)
Marvin Sable	(3 Year Term)
Marla Petty	(3 Year Term)
Matthew Sharp	(2 Year Term)
Maggie Keenan	(2 Year Term)
Tatyana Guzman	(2 Year Term)
Jillian DeLong	(1 Year Term)

Section 2: Members shall serve voluntarily and will be compensated at a rate of Seventy-Five Dollars and No/Cents (\$75.00) per meeting attended in accordance with BCO Section 175.01.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is declared to be an urgent measure immediately necessary for the preservation of the public peace, health or safety or the efficient operation of the City, and for the further reason that the appointment provided herein is needed for the proper operation of an essential Committee of the City government; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify that this legislation was duly adopted on the 5th day of August, 2019 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019 and filed it with the Clerk.

Mayor

AN ORDINANCE ENACTING NEW BCO CHAPTER 175, TITLED "CITIZEN FINANCE ADVISORY COMMITTEE", OF THE CODIFIED ORDINANCES OF THE CITY OF BEACHWOOD, OHIO; ESTABLISHING A CITIZEN FINANCE ADVISORY COMMITTEE; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the City of Beachwood is a municipal corporation of the State of Ohio; and

WHEREAS, the Codified Ordinances of the City of Beachwood vest the Finance Director, Mayor, and Council with the responsibility for adopting an annual budget, appropriating funds to be used for the administration of City functions, and providing for the investment of City funds consistent with sound business practice; and

WHEREAS, Council desires to create a Citizen Finance Advisory Committee to provide financial advice, expertise, and assistance to the Finance Director, Mayor, and Council to assist in fulfilling their budgeting and financial responsibilities under the Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1: New BCO Chapter 175, titled, "Citizen Finance Advisory Committee", is hereby enacted to read and provide, in its entirety, as follows:

"175.01 ESTABLISHED; MISSION; MEMBERSHIP; TERM.

There is hereby established a Citizen Finance Advisory Committee ("CFA Committee"). The mission of the CFA Committee shall be to provide effective financial know-how and advice to Council on a continuing and an as-needed basis with the intent to create and sustain excellence in financial governance, reporting and decision making. The Committee shall be composed of seven (7) city residents, a majority of which shall have a background in the area of business leadership, financial management and reporting, and are committed to become involved in a detailed manner with this working CFA Committee. Each Council member shall choose one (1) member of the CFA Committee, who shall serve for a period of three (3) years. Inaugural members will be appointed for a period of one, two and three years with one (1) member appointed for one year, three (3) members appointed for two years and three (3) members appointed for three years. Members of the CFA Committee shall serve voluntarily and with compensation at the rate of \$75.00 per meeting attended. Members of the CFA Committee may be removed at any time in the discretion of Council. Vacancies shall be filled by Council. The Finance Director and Auditor shall be permanent members of the CFA Committee.

175.02 STATEMENT OF FINANCIAL INTEREST; OUTSIDE CONSULTANTS.

No member of the CFA Committee may have a direct business relationship with any organization that is conducting business with the City. All members must sign a Statement of Financial Interest form every 12 months. There is a duty on each committee member to affirmatively notify Council of any political conflict that may arise at any time between the times that the Statements of Financial Interest are due.

The CFA Committee, at its discretion, may consult with outside advisors whose expertise may be sought for any issue under consideration. Any fees shall be approved by Council before they are incurred and all other City purchasing procedures shall be followed.

175.03 FUNCTIONS.

The CFA Committee shall:

- a) Review annually the forecasting assumptions made by the Finance Director, study the financial projections, and, if necessary, examine related documents concerning the City's finances.
- b) Share business and financial best practices from the private and public sector.
- c) Collaborate with the City to identify strategies to communicate the City's financial health to the community.

175.04 MEETINGS; UPDATE TO COUNCIL.

The CFA Committee shall meet on a regular basis, typically quarterly, or as needed to review financial performance and critical financial issues. CFA Committee meetings shall be open to the public and advertised in accordance with Section 105.01 of the Codified Ordinances of the City of Beachwood. The CFA Committee shall maintain detailed minutes of its meetings and action items, which will be posted to the City's website following approval of the minutes by the CFA Committee, in accordance with Section 105.01 of the Codified Ordinances of the City of Beachwood. CFA Committee members should also be available to provide such experience and expertise when requested by the Finance Director and/or Auditor. An update of CFA Committee activities shall be presented to Council quarterly.

175.05 DISSOLUTION.

The CFA Committee may be dissolved by vote of Council when, in the discretion of Council, the CFA Committee is no longer deemed necessary."

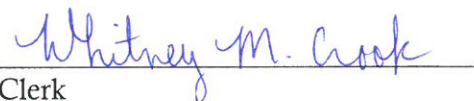
Section 2: Any other Ordinance or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 Codified Ordinances of the City.


Section 4: This Ordinance is declared to be an urgent measure which is immediately necessary for the public peace, health, safety, or the efficient operation of the City; and for the further reason that it is necessary to appoint members to the Committee as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 22nd day of October, 2018 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 23rd day of October, 2018.


Clerk

Approval: I have approved this legislation this 23rd day of October, 2018 and filed it with the Clerk.


Mayor

INTRODUCED BY:

ORDINANCE NO: 2019-87

AN ORDINANCE APPOINTING TWO (2) MEMBERS TO THE CITY OF BEACHWOOD, OHIO COMMUNITY REINVESTMENT AREA HOUSING COUNCIL; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Ordinance No. 2018-36 states that Council shall appoint two members (2) to the Community Reinvestment Area Housing Council; and

WHEREAS, City Council has nominated the following two (2) Members for the City of Beachwood, Ohio Community Reinvestment Area Housing Council for a three year term ending August 5, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The appointment by City Council, of the following two (2) members for the Community Reinvestment Area Housing Council for the City of Beachwood, Ohio for a three (3) year term ending August 5, 2022, is hereby confirmed.

Drew Barnholtz
Vritika Krishnan

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure immediately necessary for the preservation of the public peace, health or safety or the efficient operation of the City, and for the further reason that the appointment provided herein is needed for the proper operation of an essential Committee of the City government; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify that this legislation was duly adopted on the 5th day of August, 2019 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019 and filed it with the Clerk.

Mayor

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE COMMERCE PARK COMMUNITY REINVESTMENT AREA IN THE CITY OF BEACHWOOD, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL

WHEREAS, the council of the City Beachwood (hereinafter "Council") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Beachwood that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, a survey of housing, a copy of which is on file in the office of the Clerk of City Council as required by Ohio Revised Code (ORC) Section 3735.66, has been prepared for the area to be included in the proposed Community Reinvestment Area; and

WHEREAS, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

WHEREAS, the remodeling of existing structures or the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio that:

Section 1: The area designated as the "Commerce Park Community Reinvestment Area" constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged:

Section 2: Pursuant to ORC Section 3735.66, Commerce Park Community Reinvestment Area is hereby established as that area described and depicted in attached Exhibit A to this ordinance. Only residential, commercial and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

Section 3: All properties identified in Exhibit A as being within the designated Community Reinvestment Area are eligible for this incentive. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the City of Beachwood intends to undertake supporting public improvements in the designated area.

Section 4: Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in the ORC Section 3735.67. The results of the negotiation as approved by this Council will be set forth in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671. For residential property, a tax exemption on the increase in the assessed valuation resulting from the improvements as described in ORC Section 3735.67 shall be granted upon application by the property owner and certification thereof by the designated Housing Officer for the following periods.

Ten (10) years for the remodeling of every residential dwelling unit containing not more than two housing units with a minimum investment of Twenty Five Thousand Dollars and No/Cents (\$25,000.00), and with such exemption being fifty percent (50%) for each of the ten (10) years.

Ten (10) years, for the construction of dwellings containing not more than two (2) housing units with such exemption being fifty percent (50%) for each of the ten (10) years.

Up to, and including, ten (10) years, and up to, and including, fifty percent (50%) for the remodeling of existing commercial and industrial facilities, with a minimum investment of Fifty Thousand Dollars and No/Cents (\$50,000.00) for commercial and One Hundred Thousand Dollars and No/Cents (\$100,000.00) for industrial with the term and percentage of which shall be negotiated on a case-by-case basis in advance of remodeling occurring.

Up to, and including, ten (10) years, and up to, and including, fifty percent (50%) for the construction of new commercial or industrial facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.

For the purposes of the above described Community Reinvestment Area, structures exclusively used for residential purposes and composed of two (2) and fewer units shall be classified as residential structures.

If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

Section 5: All commercial and industrial projects are required to comply with the state application fee requirements of ORC Section 3735.672 (C) and the local annual monitoring fee of one percent of the amount of taxes exempted under the agreement - a minimum of \$500 up to a maximum of \$2500 annually unless waived.

Section 6: To administer and implement the provisions of this Ordinance, Tom Moore, Assistant Building Commissioner is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

Section 7: A “Community Reinvestment Area Housing Council” shall be created, consisting of two members appointed by the Mayor, two members appointed by the Council, and one member appointed by the Planning and Zoning Commission. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Council shall be for three years. An unexpired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made. The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The Council shall also hear appeals under Section 3735.70 of the ORC.

A Tax Incentive Review Council has been established pursuant to ORC Section 5709.85 to review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Section 3735.671, of the ORC and make written recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement.

Section 8: City Council reserves the right to re-evaluate the designation of the Commerce Park Community Reinvestment Area after December 31, 2019, at which time the Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.

Section 9: The Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.


Section 10: This ordinance shall take effect and be in force from and after the earliest period allowed by law and upon confirmation by the Director of the Ohio Development Services Agency of the findings in this Ordinance.

Section 11: The Mayor is hereby directed and authorized to petition the Director of the Ohio Development Services Agency to confirm the findings contained within this Ordinance.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest period permitted by law.

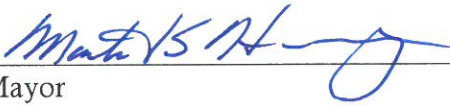
Attest:

I hereby certify this legislation was duly adopted on the 2nd day of April, 2018, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 3rd day of April, 2018.


Clerk

Approval:

I have approved this legislation this 3rd day of April, 2018, and filed it with the Clerk.


Mayor

Placed on First Reading and Referred to a Public Hearing: February 5, 2018

Held on Pending: February 20, 2018

Placed on Second Reading: March 19, 2018

Placed on Third and Final Reading: April 2, 2018

CITY OF *Beachwood*
INTEROFFICE MEMORANDUM

TO: Martin S. Horwitz, Mayor
Brian Linick, President of Council
Eric Synenberg, Economic Development Committee Chair

FROM: William Griswold, Building Commissioner *WG*
Keri Zipay, Business Retention Specialist

DATE: January 23, 2016

SUBJECT: Community Reinvestment Area (CRA) Establishment

Following our discussion with the Economic Development Committee and members of Council, we are respectfully requesting to be placed on the Council agenda on February 5, 2018 for approval of the creation of a Community Reinvestment Area (Commerce Park). Guidelines for the program will be formulated and presented to City Council for their review prior to any applicant's participation in the CRA.

All CRA applicants will pay required fees (to be determined) and receive approval from City Council.

Attached is a copy of the CRA application, as well as, an example of a points-based job creation incentive grant application form, which could be effectively translated for use with the CRA program. This example application and valuation system was developed by Mrs. Zipay as part of research conducted to examine other local and state incentive offerings, and has been attached for your review.

Enc.

cc: Larry Heiser, Finance Director
Hope Jones, Law Director
Tina Turick, Assistant Administrative Officer

APPROVED BY MAYOR FOR
NEXT COUNCIL AGENDA.

SIGNATURE

DATE

Martin S. Horwitz
1-23-18

Job Creation Incentive Study

The application, as it exists, requests the following information for review:

1. Current full and part-time employment at the proposed project site
2. Current full and part-time employment in the City of Beachwood
3. Hiring plans for the next 3 years
4. Estimated pay roll for new employees in the next 3 years

Award guidelines:

New Payroll by end of Year 3:

\$1-3M – 3 years – 30%
\$3-6M – 4 years – 35%
\$6-8M – 4 years – 40%
\$8M+ – 5 years – 50%

Proposal:

Some municipalities (such as Kent, OH and the region of Niagara Gateway) have adopted a points-based grant application form to make more well-informed decisions and achieve designated community goals.

Consider revising the Job Creation Incentive application, to a points-based application. Review the next page to see one example of what this could look like.

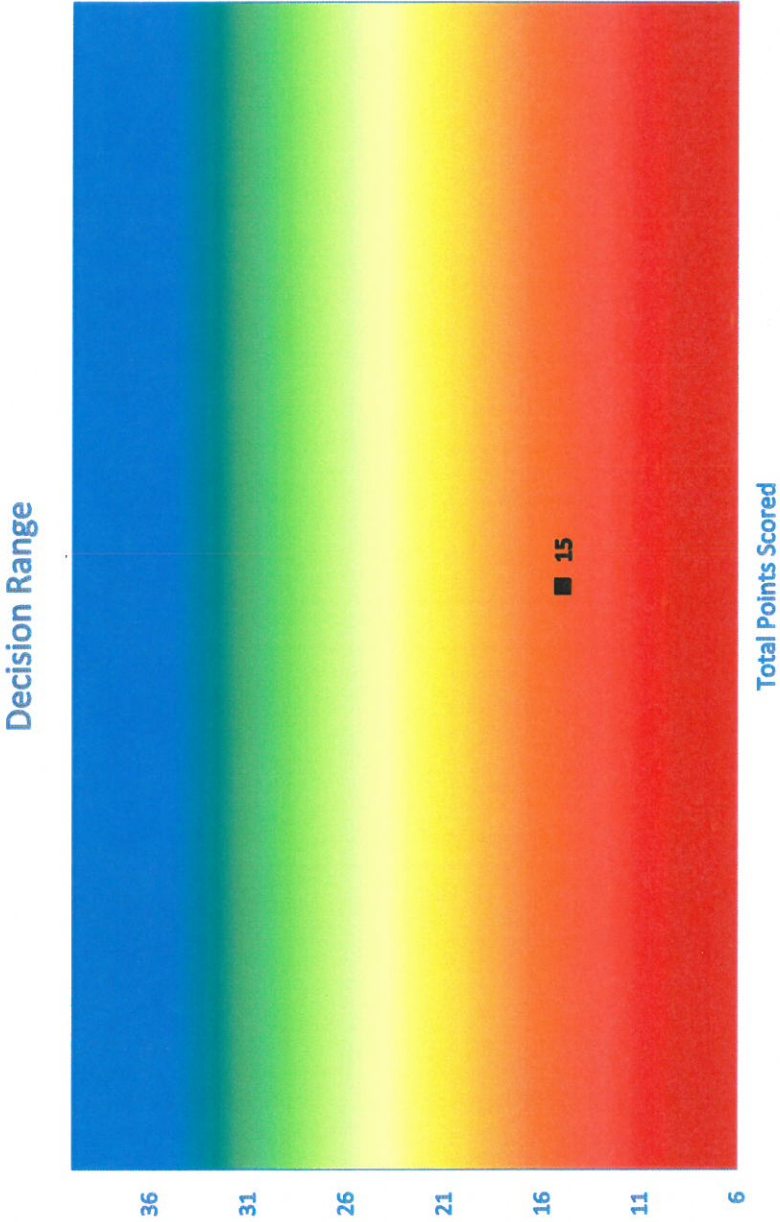
Example of a points- based application format:

1. Current facility location: ☐ Outside of United States - 5 ☐ In OH, outside of Cuyahoga County – 3 ☐ In Beachwood - 1
☐ In US, outside of Ohio - 4 ☐ In Cuyahoga County, but outside of Beachwood – 2
2. Parent company location: ☐ Outside of United States - 5 ☐ In OH, outside of Cuyahoga County – 3 ☐ In Beachwood - 1
☐ In US, outside of Ohio - 4 ☐ In Cuyahoga County, but outside of Beachwood – 2
3. Current number of employees: ☐ 30-50 (1 point) ☐ 51-75 (2 points) ☐ 76-100 (3 points) ☐ Over 100 (4 points)
4. Number of employees to be added by Year 3: ☐ 1-5 (1 point) ☐ 6-10 (2 points) ☐ 11-15 (3 points) ☐ 16 or more (4 points)
5. Average salary of non-executive level employees: ☐ \$0-24,999 (1 point) ☐ \$25,000-49,999 (2 points) ☐ \$50,000-99,999 (3 points)
☐ \$100,000+ (4 points)
6. Level of planned capital investment: ☐ \$0-249,999 (1 point) ☐ \$250,000-499,999 (2 points) ☐ \$500,000-999,999 (3 points)
☐ \$1,000,000+ (4 points)
7. Locating inside the Commerce Park CRA? ☐ Yes (1 point) ☐ No (0 points)
8. Industry: ☐ Medical, BioMed, IT (5 points) ☐ Professional Services (4 points) ☐ Wholesale, Manufacturing (3 points)
☐ Other (0 points)

9. LEED certification or installation of renewable energy materials? ☐ Yes (3 points) ☐ No (0 points)

10. Locating within a mixed-use development? ☐ Yes (3 points) ☐ No (0 points)

Results Chart Sample:



Point range: 6=lowest, 38=highest

Staff report (including industry research) would be provided based upon the total points scored.

**PURSUANT TO OHIO REVISED CODE SECTIONS 3735.65 ET SEQ., APPLICANTS SHALL PROVIDE
THE FOLLOWING INFORMATION: (Completion of ALL questions is required)**

1. Name of proposed Community Reinvestment Area (CRA): Commerce Park
2. Applicant:
a. Name ² : City of Beachwood
b. Address: 25325 Fairmount Blvd. Beachwood, OH 44122
c. County (if municipal applicant): Cuyahoga
d. Chief Executive of Applicant: Mayor Martin Horwitz
3. Designated Housing Officer ³ :
a. Name/Title: Tom Moore/Housing Inspector
b. Organization: City of Beachwood
c. Address: 25325 Fairmount Blvd. Beachwood, OH 44122
d. Email ⁴ : tom.moore@beachwoodohio.com
e. Telephone Number: 216-292-1916
f. Fax Number 216-292-1917
4. Total population of the municipality or township applicant: 11,953
5. Total population for the proposed CRA: 186
6. Total number of residences in the proposed CRA: 86

7. If the applicant has any other active CRAs, attach a listing of each CRA including the name, date of creation, and date of any and all amendments. Additionally, attach a map of the applicant's jurisdiction showing all active CRAs. If the proposed CRA will combine multiple pre-existing CRAs, will excise territory out of an existing CRA, or will otherwise cause an existing CRA to cease to exist, provide the name, date of creation, and date of any and all amendments of such CRA(s).

Label this as "Attachment A."

8. Attach a copy of the housing survey⁵ documenting the finding that the area designated as the CRA "...is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged." The survey must provide both a statement of general conditions of the area as well as specific locations and conditions fulfilling the standard set forth within ORC § 3735.65(B). Housing surveys often include supplemental information such as pictures or local building department records that support the findings.

Label this as "Attachment B."

9. Attach a certified copy of the local legislative authorization, which may be either an ordinance or resolution that authorizes the creation of this CRA⁶. The proper authority must certify each ordinance/resolution. **Label this as "Attachment C."**

10. Attach evidence that the local legislation was published in a newspaper of general circulation once a week for two consecutive weeks immediately following its adoption per ORC Section 3735.66. **Label this as "Attachment D."**

1. This form should be used for both the creation of new CRAs as well as the amendment of pre-existing CRAs.
2. Only municipal corporations or counties, acting on behalf of townships, may enact Community Reinvestment Areas. See ORC § 3735.66.
3. The CRA Housing Officer is responsible for the local administration of the program. The CRA Housing Officer typically is, but is not required to be, an employee of the enacting political subdivision.
4. The Ohio Development Services Agency uses email to distribute important annual report information and bulletins.
5. A Housing Survey is required pursuant to ORC § 3735.66. A sample housing survey can be found on the Ohio Development Services Agency's CRA page at: http://development.ohio.gov/files/bs/SHS_youngstown.pdf
6. This resolution or ordinance should be from the applicant. Boards of Township Trustees frequently do pass resolutions of support when its county enacts a CRA on their behalf, but such resolution or ordinances of support are not required.

11. Attach a map(s) of the proposed CRA which clearly outlines:
 - a. The boundary of the local legislative authority⁷ **Label this as "Attachment E-1";**
 - b. The boundary of the proposed CRA **Label this as "Attachment E-2";**
 - c. The current zoning map⁸ **Label this as "Attachment E-3";**
 - d. Existing major industries (only required if the CRA is permitted to consider industrial/commercial projects) **Label this as "Attachment E-4";**
 - e. Vacant land available for development **Label this as "Attachment E-5";** and
 - f. The boundary of all school districts affected by the CRA **Label this as "Attachment E-6."**
12. Attach a written description of the proposed CRA boundary (not a legal description). Examples should include street boundaries or parcel numbers. The description must conform to the information on the map of the proposed CRA depicting the boundary. **Label this as "Attachment F"**
13. School District/Board of Education Participation:
 - a. Identify each Board of Education with jurisdiction within the area designated as the proposed CRA. **Label this as "Attachment G."**
 - b. Attach evidence that each Board of Education listed in Attachment G has been informed of the CRA program requirements as well as their rights to: 1) notice of exemptions; 2) review/approval authority for commercial/industrial agreements; 3) meeting requests; and 4) income tax sharing. (The Ohio Development Services Agency suggests a certified letter to the President of the Board of Education.) **Label this as "Attachment H-1."**
 - c. Proposed CRAs within municipalities that levy a municipal income tax should consider developing a procedure in conjunction with the Board of Education(s) to allow for income tax sharing on projects. Attach a copy of the procedure, if one exists. This requirement applies only to city, local, or exempted village school districts and not to joint vocational school districts⁹. **Label this as "Attachment H-2."**
 - d. Outline involvement of Board of Education in the CRA program and any negotiated revenue sharing agreements with the applicant. (Optional – Board of Education Resolution) – **Label this as "Attachment H-3."**
14. Attach a list of contact people including the name, title, address, and phone numbers for the following¹⁰:
 - a. The county auditor;
 - b. The township clerk and trustees for each participating township;
 - c. All county commissioners (for county-designated areas);
 - d. The city/village, mayor/CEO, or administrator for each participating municipality;
 - e. The superintendent, or other authorized official, of each school district listed in requirement 13a of this petition;
 - f. The state representative(s) for the territory covered by the proposed CRA; and
 - g. The state senator(s) for the territory covered by the proposed CRA. **Label this as "Attachment I."**

This petition is authorized to be submitted to the Ohio Development Services Agency. All information contained herein is accurate to the best of my knowledge.

Signature Municipal/CEO President
of the Board of County Commissioners

Date:

Ohio Development Services Agency
(800) 848-1300
www.development.ohio.gov

7. If a county is the applicant, this map should only be of the affected township.
8. Participating jurisdictions are required to supply an updated zoning map when zoning changes occur on parcels within the CRA. See ORC §3735.66 (5th ¶I).
9. For more information about Joint Vocational School District rights, please see Ohio Attorney General's Opinion 2000-030. This is available at: <http://www.ohioattorneygeneral.gov/getattachment/06fab61d-49dd-4a65-b5d1-1a1c9459a3a9/2000-030.aspx>
10. If the Ohio Development Services Agency confirms the findings for the proposed CRA, the original confirmation of findings will be sent to the CRA Housing Officer. Each of the people listed in Attachment I (if applicable) will receive notification as well.

Beachwood - Commerce Park Community Reinvestment Area

City of Beachwood Housing Study (Attachment B)

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Prepared by the City of Beachwood Economic Development & Building Departments

Introduction:

The City of Beachwood, Ohio presents the area known locally as “Commerce Park” located within Census Tract 1311.02 that is comprised of residential, commercial, office, warehousing, and light industrial uses, as a viable candidate to establish a new (and Beachwood’s first) Community Reinvestment Area. Most of the structures in the area are at least 50-60 years old and have not seen significant investment since their original construction. In the areas surrounding Commerce Park, Beachwood is flourishing. The time is right to build off of this momentum and utilize available tools to spur new development in the Commerce Park area.

History of Beachwood, Ohio:

Much of Beachwood was originally part of the “Warrensville” settlement of the Western Reserve in the 1800’s. The Village of Beachwood was originally established with a vote of just 47 residents in 1905, and reached official “city” status in 1960 when the population reached over 5,000 residents. The origins of the village were very much influenced by the Van Sweringen brothers, who developed nearby Shaker Heights. In fact, because of the Van Sweringen’s plans to develop larger more exclusive parcels, much of Beachwood’s residential areas were not developed until the 1940s and 50s after the Van Sweringen’s land was sold off and the company filed for bankruptcy. Like many surrounding communities, Beachwood was very much still a farming village until the 1940s.

Beachwood has a long history of a “business-friendly” reputation; dating back to the 1920s many businesses chose to locate with the village due to the low tax rate. Today over 2,500 businesses call Beachwood home, including several large corporations such as Eaton Corporation, DDR Corporation, Cleveland Clinic satellite offices, BASF, and Tremco.

In the mid-1950s the Village of Beachwood requested the County’s Planning Commission to assist in planning for Beachwood’s future, as many developers had approached the Village with various plans for commercial and retail developments. The County advised specifically that the south side of Chagrin Blvd. (between Green and Richmond Roads) be devoted to the location of office buildings and the north side be devoted to a shopping plaza, apartments, and additional office buildings. The County also advised the development of Commerce Park, which is the target area for the establishment of a Community Reinvestment Area. In 1959, Commerce Park was originally planned as a 200-acre industrial park and was zoned for light manufacturing and warehousing.

The residential section of our proposed Community Reinvestment Area was also developed in the mid-1950s as an 86 parcel residential development known at that time as the “PAR Development.” The homes are situated on two streets – Concord Drive and Beacon Drive. The parcels average approximately .40 acres each.

Opportunity for development on vacant land in Beachwood is minimal. Any parcels of vacant land are held by longtime property owners that have historically not been opted to sell. New construction or redevelopment tends to be confined mainly to areas where existing structures are present.

Commerce Park Road, Mercantile Road, and Highpoint Road comprise the commercial section of the proposed Community Reinvestment Area. When initially constructed in the 1950s, warehousing and light industrial were the two main uses at that time. With that in mind, the structures sprawl across each parcel at a very low density with just a single floor of constructed space. In recent decades, Beachwood has evolved into an epicenter for technology, finance, medicine, law, and real estate development. The single floor uses for warehousing and light industrial are all but obsolete in Beachwood's current business climate and have become a major limitation for potential tenants.

Future Plans:

In 2015, the City of Beachwood adopted a new Master Plan. Throughout the plan many goals were identified, including the diversification of housing options, offering tax abatements for residential improvements, reimagining Richmond Road as a multi-family corridor, and removing barriers to the adaptive reuse of older buildings.

The Master Plan specifically identified the establishment of a Community Reinvestment Area as an Economic Development tool to link incentives to the City's identified goals.

Location:

Beachwood is located eleven miles east of downtown Cleveland in Cuyahoga County. The City encompasses 5.2 square miles and is conveniently situated just west of I-271.

Demographics:

The population of Beachwood was initially very slow to grow, and in fact as recently as 1936 just 237 residents were reported. In 1960 the Village's population reached over 6,000 and with that Beachwood became a City. The population reached its peak in 2000 at 12,186 residents. As of the 2010 Census, the population was 11,953, which was a decrease of 2% from 2000. The City's population is expected to dip again with a projected population of 11,707 for 2016. This is a projected 2% decline from 2010 and a 4% decrease from 2000.

The City of Beachwood is aging, with 30% of our population at ages 65 years and older. This is quite high as compared to Cuyahoga County with just 15% of residents being 65 years and older.

The number of households has declined slightly from 2000 to 2013 with a 3% decrease of 5,074 to 4,932.

While Beachwood's ethnicity is mainly Caucasian (80%), comparisons from 2013 to 2009 show that diversity is increasing with the population of a number of other races growing - including black, Asian, Hispanic, and other cultural backgrounds.

Unemployment in Beachwood is 2.4% in 2015, as compared to 3.0% in 2009.

Historic Buildings:

With the majority of Beachwood's homes and non-residential structures being built in the mid-20th century, Beachwood has just one area that has been designated as an Historic District. The Elizabeth Blossom residential subdivision and athletic building known as "The Hangar" are located in a small neighborhood near the intersection of Cedar and Richmond Roads. The homes and "The Hangar" were constructed during the 1920s and 1930s.

Much of the remainder of Beachwood's homes and non-residential structures were built throughout the 1950s-60s making them at least 50 years old, including the targeted area for the proposed Community Reinvestment Area.

Beachwood Existing Housing Characteristics:

According to the 2010 Census, Beachwood has a total of 5,483 housing units, of which 5,064 (or 93%) are occupied. Of the occupied housing units, 3,271 (57%) are owner occupied. Owner-occupied housing is down 3% from 2000, renter-occupied housing is up to 35% from 33%, and vacant residences increased from 7% to 8%. Beachwood's housing stock consists mainly of two types – single family detached, which comprises 53% of the housing stock, while residential structures consisting of at least ten or more units account for 40%. The majority of Beachwood's housing stock is older, with 31% of residential structures built between 1940 and 1959, and 33% built between 1960 and 1979.

	2000	2010	% of Units 2000	% of Units 2010
Total Dwelling Units	5,458	5,483		
<i>Owner-occupied</i>	3,271	3,152	60%	57%
<i>Renter occupied</i>	1,813	1,912	33%	35%
Vacant Dwelling Structures	374	419	7%	8%
Units in Structure				
<i>Single-family detached</i>	2886		53%	
<i>Single-family attached</i>	348		6%	
<i>Two-family</i>	0		0%	
<i>3-4 Units</i>	17		0%	
<i>5-9 Units</i>	18		0%	
<i>10-19 Units</i>	188		3%	
<i>20+ Units</i>	1995		37%	

Sources: US Census/NEO Cando

Property Values and Investments:

Median residential sale prices throughout the City of Beachwood have increased 12% from an average sale price of \$250,000 in 2007 to \$280,000 in 2017. However, sales on the two streets within our proposed CRA (Beacon and Concord) decreased in average value by 12% from \$181,366 in 2007 to \$158,093 in 2017. The number of building permits pulled on individual properties in this area (86 residences) was seven in 2015, ten in 2016, and ten in 2017. The value of building permits is well below the amount spent in the remainder of the city. For the past three years (2015-2017), the average permit value for this area is \$6,000, while the rest of the city averages more than six times that amount at \$41,000.

The number of commercial building permits pulled in this area (85 structures) in 2015 was ten, seven in 2016, and nine in 2017. The average permit value in the proposed CRA is \$82,000. Throughout the rest of the city, the average permit value is more than four times that amount at \$385,000.

The City of Beachwood inspects commercial properties each year, and residential properties every four years. In 2014 the Concord-Beacon residential area was inspected. There were a total of 197 failed inspections in 2014, and 49 (25%) were located on either Concord or Beacon Drive. From 2015-2017 there were a total of 243 failed commercial property inspections. Of those, 83 (or 34%) were located in the proposed CRA.

Zoning:

There are five different zoning districts within the proposed Community Reinvestment Area:

U1A1 – This district is currently zoned for single-family detached housing and includes parcels on both Concord and Beacon Roads as well as a large space of vacant land adjacent to the residential development.

U3C – Planned Multi-family Residential District is for high density residential uses - Located at the intersection of Chagrin Blvd. and Green Road – this parcel is the only one in the proposed CRA that has seen recent investment with the construction of the Vue apartment complex in 2015.

U5 – Public and institutional – This district is reserved for education, cultural, religious and government uses. The U5 parcel within the proposed CRA houses a water tower that is owned by the City of Cleveland.

U7A – General Office – Multi-story office structures lining almost the entirety of the south side of Chagrin Blvd. between Green and Richmond Roads.

U8 – Storage and Manufacturing – houses mainly one-story warehouse structures

Major Industries:

Beachwood is home to several major corporate and private entity offices such as DDR, Austin Powder, Eaton Corp., and the Jewish Federation of Cleveland. Within the proposed CRA there are two mid-sized companies; Tremco, a supplier of sealant and weatherproofing construction applications, and BASF, a producer of chemicals. Both companies have been present at these sites for decades. Aside from these there are no other major industries in the CRA because the existing commercial structures are obsolete for today's business needs and the needs of the industries that Beachwood strives to attract. The proposed CRA is the future home of a compounding pharmacy, Lee Silsby, which has plans for renovations to an existing building that would benefit from the establishment of this proposed CRA.

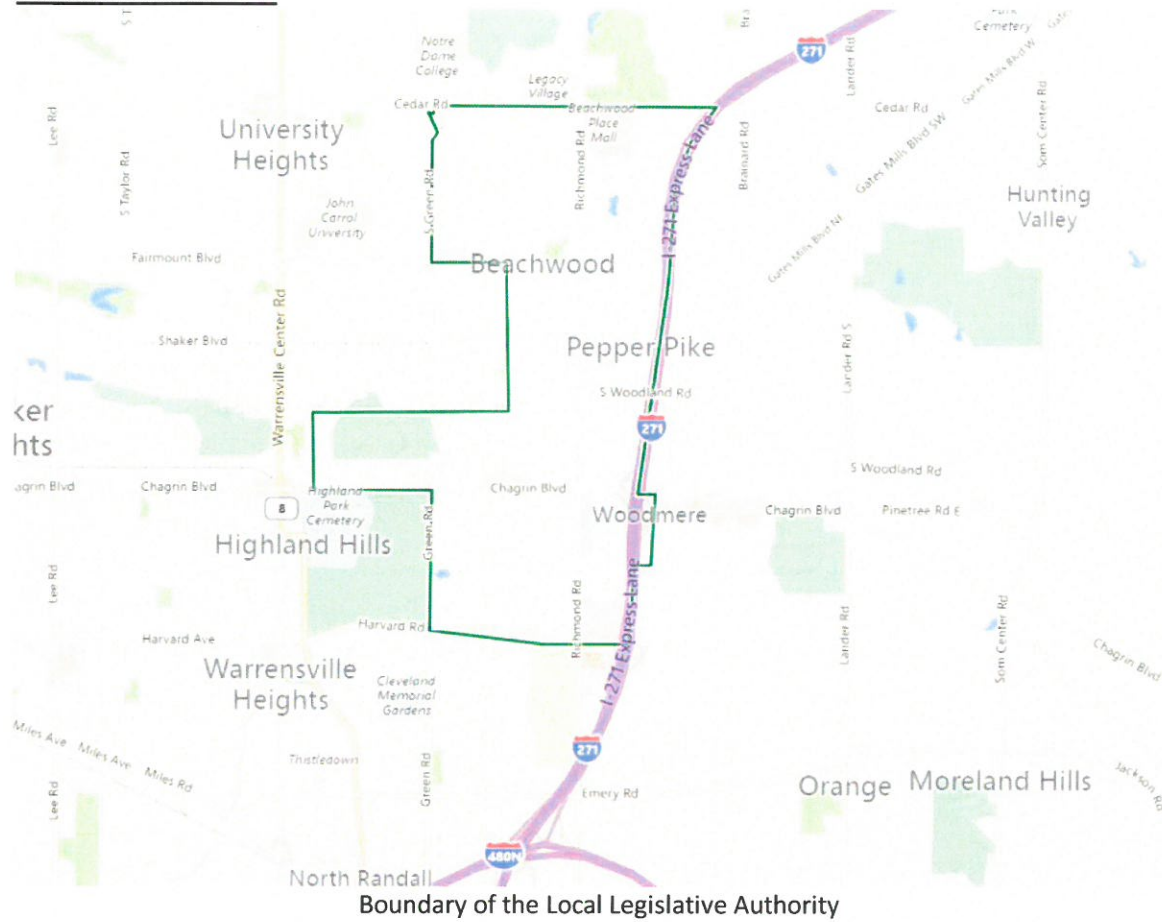
Vacant Land:

There is a minimal amount of vacant land available for development throughout Beachwood, and many of the parcels that are vacant are owned by larger entities like the Cleveland Clinic and the Jewish Community Center. There is one large parcel of land (parcel 742-27-012) in the proposed CRA that is located between the residential section and the commercial section. At the north side of the parcel fronting Chagrin Blvd. is a structure that is home to the First Catholic Slovak Ladies Association. That is the only structure on the parcel and the entire parcel is over 32 acres. As the parcel is zoned residential, if the land were to be sold, it would be an ideal opportunity to diversify the city's housing stock, which was an identified goal in the 2015 Master Plan, or to rezone the area and create a mixed-use development with both residential and commercial uses.

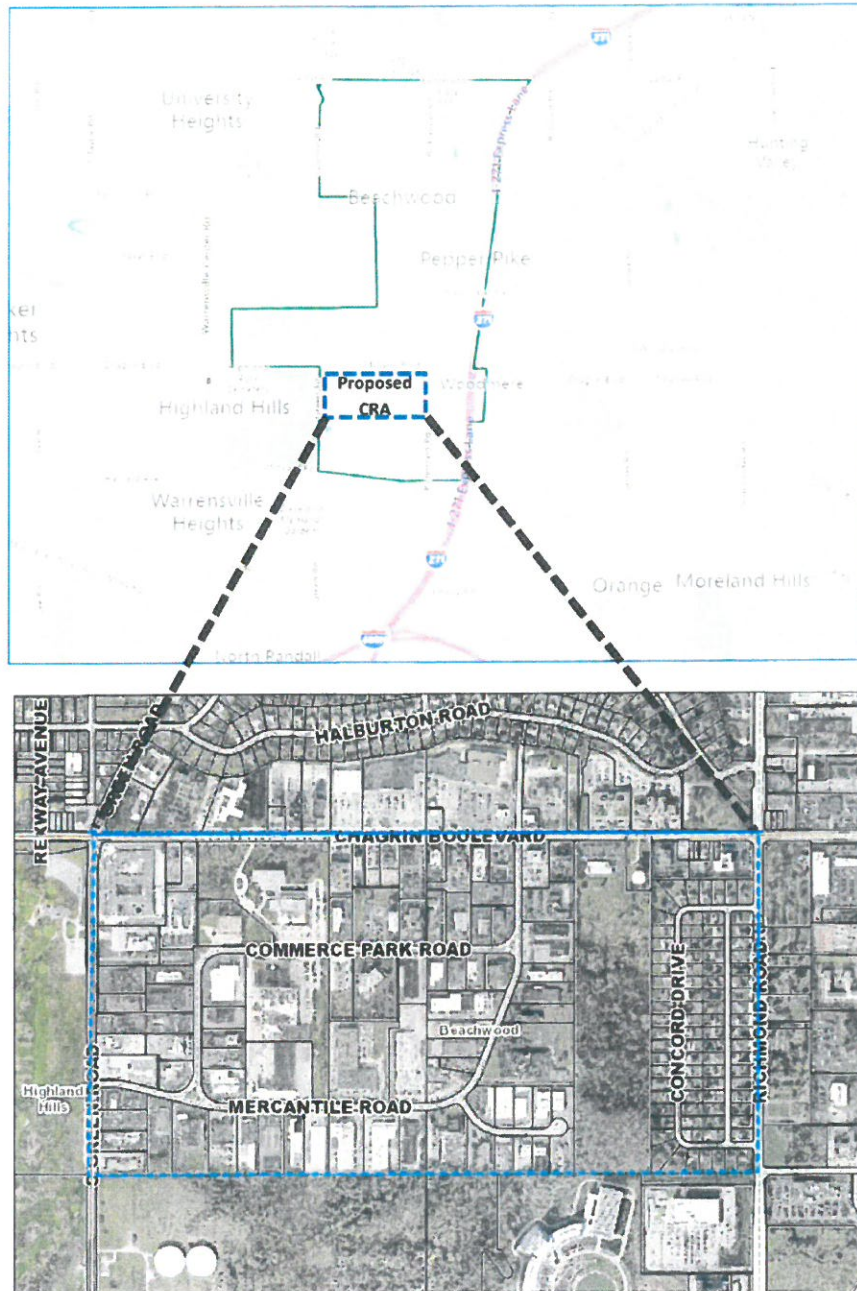
Conclusion:

While development takes place around Commerce Park in the City of Beachwood, development within Commerce Park and the Beacon/Concord residential area has stagnated since its initial conception decades ago. Adding the benefits of an established Community Reinvestment Area to the city's toolkit will allow Beachwood to assist building owners and developers in creating a business climate that works for today's industry needs. It will also allow homeowners in the residential section to make needed investments and increase their property values. Because of the 12% decrease in residential property values over the past decade (as compared to the 12% increase in the rest of the city), the high concentration of failed inspections in both the residential (25%) and commercial (34%) areas and the low average building permit value (\$6,000) as compared to the rest of the city (\$41,000), the City of Beachwood finds that the proposed CRA meets the criteria for a Community Reinvestment Area as defined by the Ohio Revised Code Sections 3735.65-70.

Attachment E-1

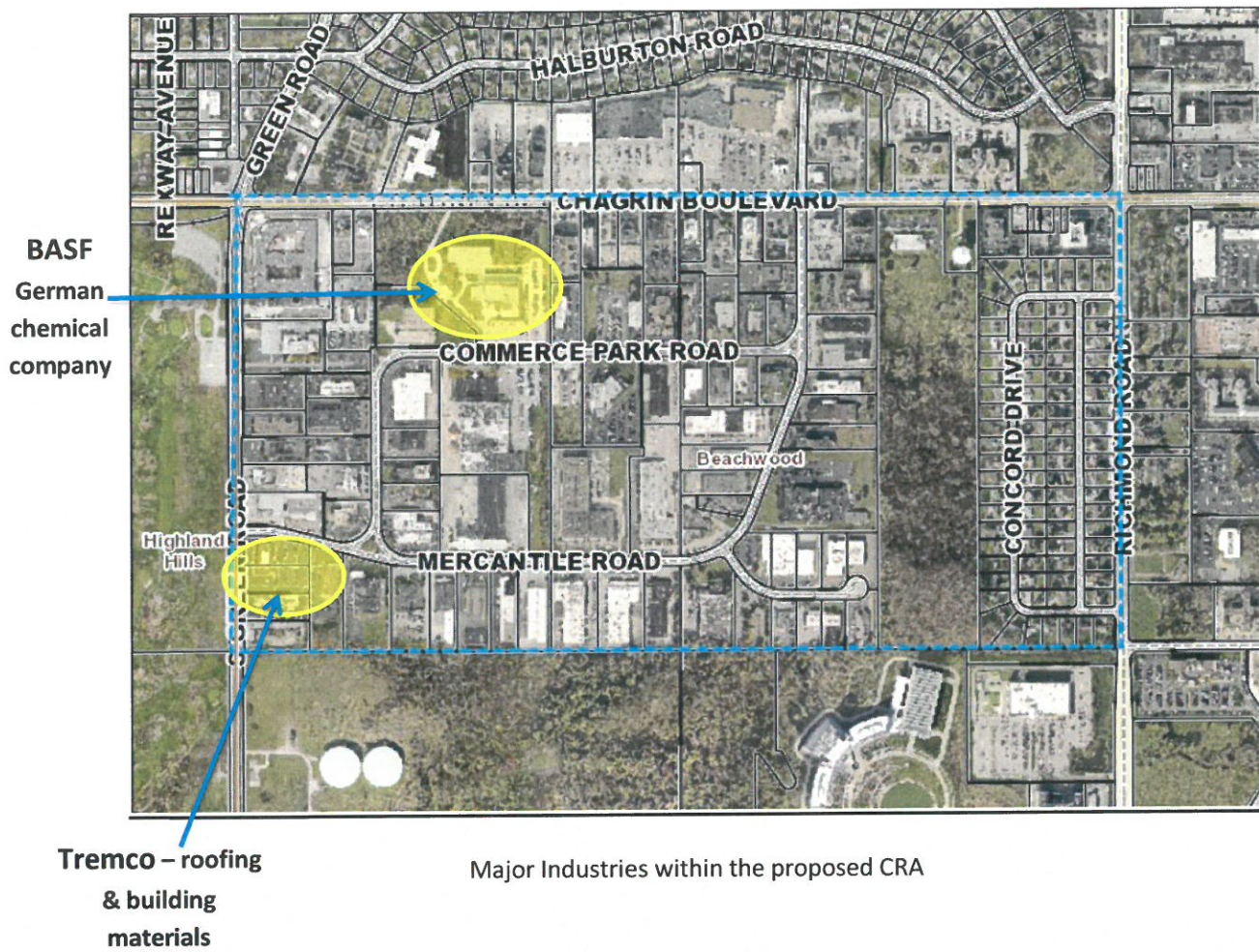


Attachment E-2

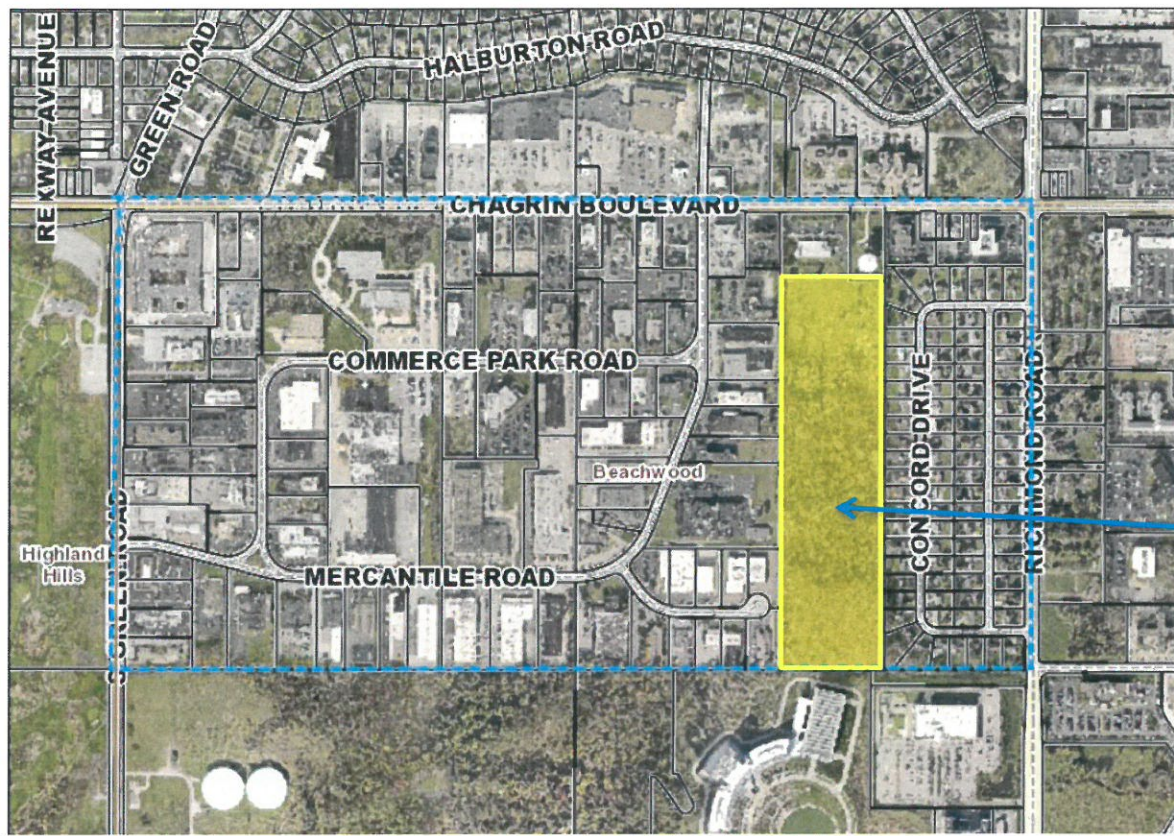


Boundary of Proposed CRA

Attachment E-4



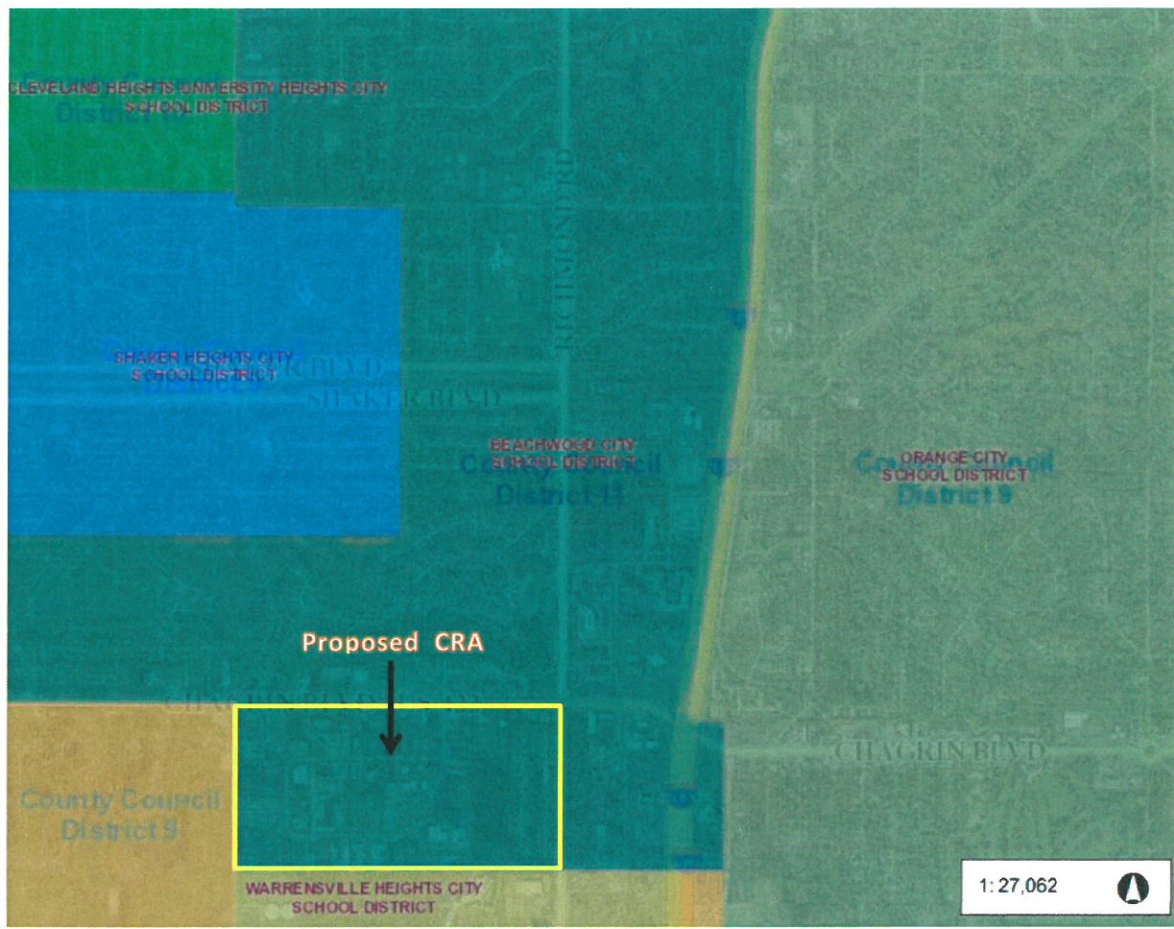
Attachment E-5



Approx 30
acres
owned by
the First
Ladies
Slovak
Assoc.

Vacant Land within the proposed CRA

Attachment E-6



School District Boundary Map

Attachment F

The proposed Community Reinvestment Area for the City of Beachwood is bounded by Chagrin Boulevard at the north, Richmond Road at the east, South Green Road at the west, and to the south – parcels located on the south side of Mercantile and Highpoint Roads, parcel 74226054, and parcels at the southern end of Concord Drive.

Attachment G

Beachwood City School District is the only school district present within the proposed CRA, as depicted in Attachment E-6.

Attachment H-1 (Evidence of School Board notification)

Unless an agreement were to be reached that would exceed a 50%, 10-year exemption, no notification is necessary at this time.

Attachment H-2 (School board for income tax sharing)

No procedure has been implemented or is planned to be implemented.

Attachment H-3 (outline of involvement with School Board)

Unless an agreement were to be reached that would exceed a 50%, 10-year exemption, the involvement of the Beachwood City School district is not necessary at this time.

Contact Information (Attachment I)

a) County Auditor:

Lisa Rocco, Director of Operations
Cuyahoga County
2079 East 9th Street
Cleveland, OH 44115
216-443-5730

b) Township Clerk:

Whitney Crook, Clerk of Council
City of Beachwood
25325 Fairmount Boulevard
Beachwood, OH 44122
216-595-5493

c) County Commissioner:

Armond Budish, County Executive
Cuyahoga County
2079 East 9th Street
Cleveland, OH 44115
216-443-7178

d) City of Beachwood Mayor:

Mayor Martin Horwitz
City of Beachwood
25325 Fairmount Boulevard
Beachwood, OH 44122
216-292-1901

e) Beachwood City Schools Superintendent

Robert Hardis
Beachwood City Schools
24601 Fairmount Boulevard
Beachwood, OH 44122
216-464-2600

f) State Representative

Kent Smith, Representative District 8
77 South High St.
Columbus, OH 43215
614-466-5441

Contact Information (Attachment I continued)

g) State Senator

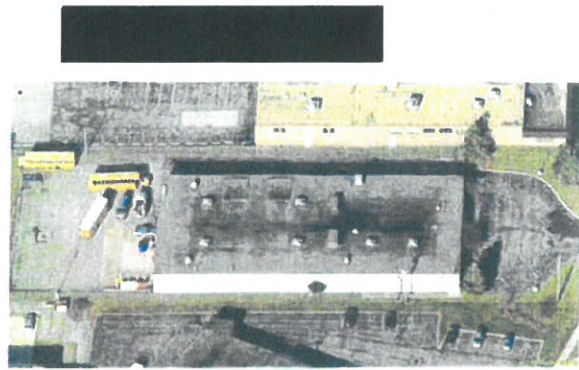
Kenny Yuko, District 25
1 Capitol Square, 3rd Floor
Columbus, OH 43215
614-466-4583



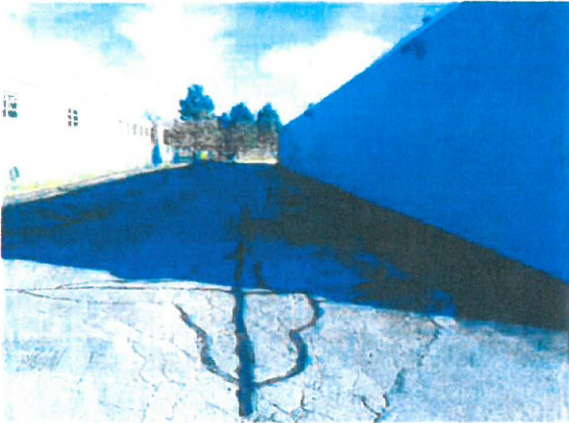








12/07/2016





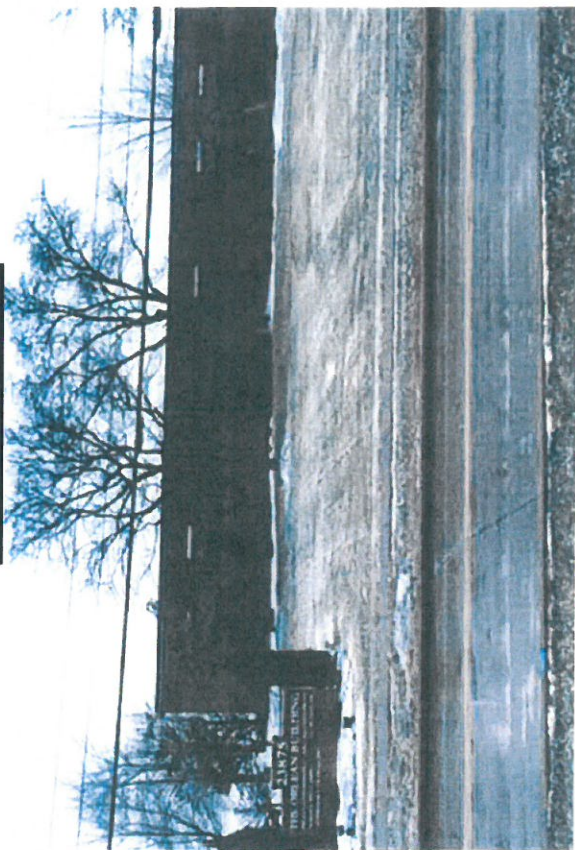
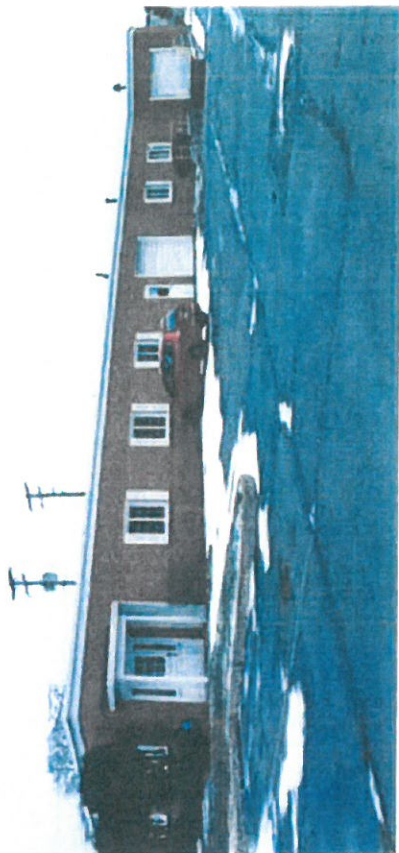


Google Maps



Imagery ©2017 Google, Map data ©2017 Google 20 ft





AN ORDINANCE AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN CLAIMS (BILLS) FOR PROFESSIONAL AND OTHER SERVICES; AND DECLARING THIS TO BE AN URGENT MEASURE

BE IT ORDAINED by the Council of the City of Beachwood, State of Ohio, that the Director of Finance is hereby authorized and directed to issue his respective warrants for the following claims, to wit:

Section 1:

<u>For Supplies and Services</u>	<u>August 5, 2019</u>	<u>\$28,952.73</u>
G. Gifford Dyer	Plan Review Services	\$2,317.12
Fisher & Phillips LLP	Legal Services	\$756.50
GPD Group	Engineering Services	\$23,658.61
Paul Kowalczyk	Plan Review Services	\$542.75
Tactical Planning	Professional Services	\$1,552.50
Michael Wildermuth	Plan Review Services	\$125.25

Section 2: It is found and determined that all formal actions and deliberation of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is hereby declared an urgent measure immediately necessary for the public peace, health or safety or the efficient operation of the City; and for the further reason that it is necessary to approve said item and/or services available for use at the earliest possible time, to serve the City of Beachwood and its citizens.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify that this legislation was duly adopted on the 5th day of August, 2019 and presented to the Mayor.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019 and filed it with the Clerk.

Mayor

AN ORDINANCE AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN CLAIMS (BILLS) FOR PROFESSIONAL AND OTHER SERVICES; AND DECLARING THIS TO BE AN URGENT MEASURE

BE IT ORDAINED by the Council of the City of Beachwood, State of Ohio, that the Director of Finance is hereby authorized and directed to issue his respective warrants for the following claims, to wit:

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Attest: I hereby certify that this legislation was duly adopted on the 5th day of August 2019 and presented to the Mayor.

Clerk

Approval: I have approved this legislation this 6th day of August and filed it with the Clerk.

Mayor

RECEIVED

G. GIFFORD DYER-ARCHITECT
4680 BRAINARD ROAD
CHAGRIN FALLS, OH 44022-1506
Fax. 440-248-2353
Phone 440-248-1703

19 JUL -2 AM 9:55

CITY OF BEACHWOOD

July 1, 2019

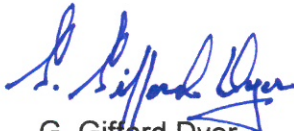
City of Beachwood
Accounts Payable
25325 Fairmount Blvd.
Beachwood, OH 44122

Re: Building Department
Plan Review

INVOICE FOR PROFESSIONAL SERVICES RENDERED:

Plan review for the month of June 2019	\$2,317.18
(Cost breakdown sheet attached)	
Total amount due	\$2,317.18

Thank You,


G. Gifford Dyer

APPROVED FOR PAYMENT

BY: Will Trivette
DATE: 7/18/19
P/O: No PO

BEACHWOOD PLAN REVIEW

Month JUNE, 2019

GG Dyer	Beachwood	Job Name-----	Time	Charge
Job No.	PR No.			
CB 19-06	2019-32471	BALANCE SOLUTION 23175 COMMERCE PARK	9¼ Hr	\$ 772.37
CB 19-17	2019-33734	BEACHWOOD LIBRARY-ALTERATIONS 25501 SHAWNEE BLVD	3¾ Hr	\$ 313.12
CB 19-11	2019-32855	TENANT BUILD OUT CHEMICAL BANK 3900 MARK EAST #300	1 Hr	\$ 83.50
CB 19-03	2018-28734	GREEN ROAD SYNAGOGUE 2437 GREEN ROAD	8½ Hr	\$ 709.75
CB 19-08	2019-32779	LANDLORD WORK SPACES 1160 & 1165 BEACHWOOD PLACE MALL 26300 CEDAR ROAD	3¾ Hr	\$ 313.12
CB 19-07	2019-32609	DRY GOODS BEACHWOOD PLACE MALL # 1140 26300 CEDAR ROAD	¼ Hr	\$ 20.88
CB 19-08	2019-33945	SOPHORA ALTERATIONS BEACHWOOD PLACE MALL # 1140 26300 CEDAR ROAD	¼ Hr	\$ 20.88
CB 19-13	2019-32927	MADISON TITLE 25825 SCIENCE PARK DRIVE SUITE 100	1 Hr	\$ 83.50
TOTAL			27¾	\$ 2317.12



Fisher & Phillips LLP

200 Public Square
Suite 4000
Cleveland, Ohio 44114
(440) 838-8800 Tel

www.fisherphillips.com

(Tax Identification No. 58-0619559)

City of Beachwood
Attn: Larry Heiser
25325 Fairmount Blvd.
Beachwood, OH 44122

Summary for Invoice Number: 1284379

Client Matter Number: 34126-0002

July 2, 2019

CURRENT LEGAL FEES THIS INVOICE

\$756.50

Approved
[Signature] 7/9/19
Finance Director

2018-03249 \$596.00
2019-01986 \$160.50

PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION



Fisher & Phillips LLP

200 Public Square
Suite 4000
Cleveland, Ohio 44114
(440) 838-8800 Tel

www.fisherphillips.com

(Tax Identification No. 58-0619559)

July 2, 2019

Invoice Number: 1284379

Client Matter Number: 34126-0002

City of Beachwood

For services rendered through June 30, 2019:

General

<u>Date</u>	<u>Attorney</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
06/03/19	DPO	Attention to diary note; review of history of the workers' compensation excess and most recent renewal; review and analyze two year rate guarantee; draft and edit email to Larry Heiser on renewal.	0.30	\$133.50
06/09/19	DPO	Attention to diary note; review of previous excess insurance issues; update notes on agents follow-up on excess renewal.	0.20	\$89.00
06/19/19	DPO	Attention to email from Mae Fulkerson at McGowan on the excess insurance; review and analyze the proposal for renewal; email to Larry Heiser.	0.40	\$178.00
06/19/19	DPO	Attention to diary note; review of communications with the agent on Beachwood's excess; draft and edit further email to agent on renewal.	0.30	\$133.50
06/20/19	DPO	Attention to email from Larry Heiser on the excess coverage and HB 80; review of HB 80 on the State of Ohio legislative website to check on the status of the bill; review of current committee assignments in the Senate; email to Larry on a potential transition to the state fund.	0.50	\$222.50
TOTAL LEGAL FEES THIS MATTER			1.70	\$756.50

PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

Timekeeper Summary

Daniel P. O'Brien	1.70 Partner hours at \$445.00/hr.	\$756.50
CURRENT LEGAL FEES & CHARGES THIS MATTER		\$756.50

PAYMENT IS DUE UPON RECEIPT OF INVOICE

REMITTANCE SLIP

Fisher & Phillips LLP

1075 Peachtree Street, NE
Suite 3500
Atlanta, GA 30309
(404) 231-1400 Tel

(Tax Identification No. 58-0619559)

CLIENT IDENTIFICATION:

Client Number 34126
City of Beachwood
25325 Fairmount Blvd.
Beachwood, OH 44122

CURRENT LEGAL FEES

<u>Date</u>	<u>Invoice No.</u>	<u>Balance Due</u>	<u>Amount Enclosed</u>
07/02/19	1284379	\$756.50	

**PAYMENT IS DUE UPON RECEIPT OF INVOICE
PLEASE REMIT CHECKS TO THE ADDRESS LISTED ABOVE**

Summary of Engineering Invoices

August 5, 2019 Professional Service Ordinance

Invoice #	Invoice Date	Original Amount	Adjustment	Payment Amount	Fund	Billed	Out	2019	2018	2017
								ENCUMBRANCES		
2019119.09-5	6/14/2019	\$2,232.75	\$0.00	\$2,232.75	General			X		
2018119.05-8	6/14/2019	\$749.00	\$0.00	\$749.00	General			X		
2018119.07-12	6/14/2019	\$412.50	\$0.00	\$412.50	Capital				X	
2018119.18-8	6/14/2019	\$2,264.00	\$0.00	\$2,264.00	Capital				X	
2018119.19-13	6/14/2019	\$2,650.36	\$0.00	\$2,650.36	General				X	
2019119.01-4	6/14/2019	\$2,240.25	\$0.00	\$2,240.25	General			X		
2019115.05-3	6/14/2019	\$11,085.00	\$0.00	\$11,085.00	Capital			X		
2019120.01-5	6/14/2019	\$321.00	\$0.00	\$321.00	General			X		
2019120.20-1	6/14/2019	\$214.00	\$0.00	\$214.00	General			X		
2017120.09-23	6/14/2019	\$277.50	\$0.00	\$277.50	Deposits	Edward Rose		X		
2017120.21-23	6/14/2019	\$185.00	\$0.00	\$185.00	Deposits	Jubilee Healthcare		X		
2019120.17-1	6/14/2019	\$428.00	\$0.00	\$428.00	Deposits	APK Construction		X		
2019120.19-1	6/14/2019	\$160.50	\$0.00	\$160.50	Deposits	LWB Design LLC		X		
2016120.32-4	6/14/2019	\$438.75	\$0.00	\$438.75	Deposits	Green Road Synagogue		X		

Total To Pay		\$23,658.61	
---------------------	--	--------------------	--

Total Capital Fund		\$13,761.50	
Total General Fund		\$8,407.36	
Total Deposits		\$1,489.75	
Total Street Const. Mant.		\$0.00	
Less: Billable Charges		(\$1,489.75)	
Net Paid by City:		\$22,168.86	



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Michelle Kaplan
 P.O. Box 22659
 Beachwood, OH 44122

*Green Road Synagogue
 #2019-33246*

June 14, 2019
 Invoice No: 2016120.32 - 4

Invoice Total	\$438.75
----------------------	-----------------

Project 2016120.32 Beachwood - Green Rd Synagogue

Contract

Building Dept.

Professional Services from April 27, 2019 to May 31, 2019

Task 100 Plan Review

Professional Personnel

	Hours	Rate	Amount	
Senior Engineer				
Gorman, Jacqueline	4.50	97.50	438.75	
Totals	4.50		438.75	
Total Labor				438.75
Total this Task				\$438.75
Total this Invoice				\$438.75

Billings to Date

	Current	Prior	Total
Labor	438.75	2,062.00	2,500.75
Totals	438.75	2,062.00	2,500.75

APPROVED FOR PAYMENT

BY: WG
 DATE: 6-26-19
 NO: 783.000.53130

Net 30 days.

AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

June 14, 2019

Invoice No: 2017120.09 - 23

Edward Rose
#2017-26599

Invoice Total \$277.50

Project 2017120.09 Beachwood - Rose Senior Living

Building Dept.

Professional Services from April 27, 2019 to May 31, 2019

Task 200 Inspection - SWPPP

Professional Personnel

	Hours	Rate	Amount
Design Engineer			
Kotecki, Kyle	3.00	92.50	277.50
Totals	3.00		277.50
Total Labor			277.50
Total this Task			\$277.50
Total this Invoice			\$277.50

Outstanding Invoices

Number	Date	Balance
22	5/10/2019	92.50
Total		92.50

Billings to Date

	Current	Prior	Total
Labor	277.50	14,259.25	14,536.75
Totals	277.50	14,259.25	14,536.75

APPROVED FOR PAYMENT
 BY: WG
 DATE: 6-26-19
 PTO: 783-000.53130

Net 30 days.

AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
Attn: Larry Heiser, Finance Director
25325 Fairmount Blvd.
Beachwood, OH 44122

*Jubilee Healthcare
#2017-26580*

June 14, 2019
Invoice No:

2017120.21 - 23

Invoice Total	\$185.00
---------------	----------

Project 2017120.21 Beachwood-Encore Medical P&Z 2017-10

Contract

Building Dept.

Professional Services from April 27, 2019 to May 31, 2019

Task 200 Inspection - SWPPP

Deposit Number 2017-26580

Professional Personnel

	Hours	Rate	Amount
Design Engineer			
Kotecki, Kyle	2.00	92.50	185.00
Totals	2.00		185.00
Total Labor			185.00
Total this Task			\$185.00
Total this Invoice			<u>\$185.00</u>

Outstanding Invoices

Number	Date	Balance
22	5/10/2019	46.25
Total		46.25

Billings to Date

	Current	Prior	Total
Labor	185.00	21,008.00	21,193.00
Totals	185.00	21,008.00	21,193.00

APPROVED FOR PAYMENT

BY: *WJG*

DATE: *6-26-19*

PH: *783-000-53130*

Net 30 days.

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INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

June 14, 2019

Invoice No: 2018119.05 - 8

Invoice **\$749.00**
Total

Project 2018119.05 Beachwood - Storm Water Codes - Update

Service Dept.

Professional Services from April 27, 2019 to May 31, 2019

Task 100 Code Review for Updates

Professional Personnel

	Hours	Rate	Amount	
Project Manager				
Ciuni, Joseph	1.00	107.00	107.00	
Valentic, Ivan	6.00	107.00	642.00	
Totals	7.00		749.00	
Total Labor				749.00
		Total this Task		\$749.00
		Total this Invoice		\$749.00

Billings to Date

	Current	Prior	Total
Labor	749.00	6,365.00	7,114.00
Totals	749.00	6,365.00	7,114.00

APPROVED FOR PAYMENT
 BY: C. Ciuni
 DATE: 6-26-19
 P/O: 2019-00089

OK to pay C.V.

Net 30 days.

AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

June 14, 2019
 Invoice No: 2018119.07 - 12

Invoice	\$412.50
Total	

Project 2018119.07 Beachwood - Halburton Road Reconstruction - Phase 1 (Bryden to Brandon)

Service Dept.
P.O.#2018-01035 \$101,000.00

Professional Services from April 27, 2019 to May 31, 2019

Task 100 Design

Professional Personnel

	Hours	Rate	Amount	
CAD Drafter				
Allison, Tyshanee	3.00	71.00	213.00	
Totals	3.00		213.00	
Total Labor				213.00
Total this Task				\$213.00

Task 200 Inspection

Professional Personnel

	Hours	Rate	Amount	
Project Manager				
Ciuni, Joseph	1.00	107.00	107.00	
Design Engineer				
Stonitsch, Erik	1.00	92.50	92.50	
Totals	2.00		199.50	
Total Labor				199.50
Total this Task				\$199.50

Total this Invoice **\$412.50**

Billings to Date

	Current	Prior	Total
Labor	412.50	96,873.00	97,285.50
Totals	412.50	96,873.00	97,285.50

Net 30 days.

AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

APPROVED FOR PAYMENT
 BY: *[Signature]*
 DATE: *6-26-19*
 P.O. *2018-01035*



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

APPROVED FOR PAYMENT
 BY: *[Signature]*
 DATE: *6-26-19*
 P/O: *2018-02931*

June 14, 2019
 Invoice No:

2018119.18 - 8

Invoice Total \$2,264.00

Project 2018119.18 Beachwood - Halburton Phase 2

Service Dept.
P.O.#2018-02931 \$105,000.00

Professional Services from April 27, 2019 to May 31, 2019

Task 100 Design

Professional Personnel

	Hours	Rate	Amount	
Project Manager				
Ciuni, Joseph	4.00	107.00	428.00	
Design Engineer				
Stonitsch, Erik	1.00	92.50	92.50	
Totals	5.00		520.50	
Total Labor				520.50
			Total this Task	\$520.50

Task 200 Inspection

Professional Personnel

	Hours	Rate	Amount	
Project Manager				
Ciuni, Joseph	2.00	107.00	214.00	
Fini, Nicholas	5.00	107.00	535.00	
Design Engineer				
Stonitsch, Erik	8.00	92.50	740.00	
Staff Designer				
Bumgarner, Jacob	.50	65.00	32.50	
Inspector Coordinator				
Hollo, Gary	3.00	74.00	222.00	
Totals	18.50		1,743.50	
Total Labor				1,743.50
			Total this Task	\$1,743.50

Total this Invoice \$2,264.00

Net 30 days.

AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

Project	2018119.18	Beachwood - Halburton Phase 2	Invoice	8
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Outstanding Invoices

Number	Date	Balance
7	5/10/2019	3,466.50
Total		3,466.50

Billings to Date

	Current	Prior	Total
Labor	2,264.00	40,132.75	42,396.75
Totals	2,264.00	40,132.75	42,396.75

Net 30 days.

Page 2

AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

June 14, 2019

Invoice No: 2018119.19 - 13

APPROVED FOR PAYMENT
 BY: *[Signature]*
 DATE: 6-26-19
 P/O: 2018-02923

Invoice Total \$2,650.36

Project 2018119.19 Beachwood - Campus Road Waterline Replacement and Resurfacing

Service Dept.

Professional Services from April 27, 2019 to May 31, 2019

Task 100 Design

P.O.# 2018-02927 \$18,500.00

Professional Personnel

	Hours	Rate	Amount	
Senior Engineer				
Gorman, Jacqueline	3.00	97.50	292.50	
Totals	3.00		292.50	
Total Labor				292.50
			Total this Task	\$292.50

Billings to Date

	Current	Prior	Total
Labor	292.50	18,140.00	18,432.50
Expense	0.00	41.74	41.74
Totals	292.50	18,181.74	18,474.24

Task 120 Design - Resurfacing

P.O.# 2018-02923

Professional Personnel

	Hours	Rate	Amount	
Project Manager				
Ciuni, Joseph	5.00	107.00	535.00	
Fini, Nicholas	4.50	107.00	481.50	
Senior Designer				
Weissberg, Carl	.50	77.00	38.50	
Add'l. CWD comments				
Totals	10.00		1,055.00	
Total Labor				1,055.00

Net 30 days.

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 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

Project	2018119.19	Beachwood-Campus Rd Waterline Repl Resur	Invoice	13
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Reimbursable Expenses

Reproductions				
5/15/2019	SE Blueprint, Inc.	Repos	297.36	
	Total Reimbursables		297.36	297.36
		Total this Task		\$1,352.36

Billings to Date

	Current	Prior	Total
Labor	1,055.00	8,857.00	9,912.00
Expense	297.36	0.00	297.36
Totals	1,352.36	8,857.00	10,209.36

Task 200 Inspection

P.O.# 2018-02923 \$20,000.00

Professional Personnel

	Hours	Rate	Amount	
Project Manager				
Ciuni, Joseph	2.00	107.00	214.00	
Fini, Nicholas	1.00	107.00	107.00	
Design Engineer				
Stonitsch, Erik	5.00	92.50	462.50	
Inspector Coordinator				
Hollo, Gary	3.00	74.00	222.00	
Totals	11.00		1,005.50	
Total Labor				1,005.50
		Total this Task		\$1,005.50

Billings to Date

	Current	Prior	Total
Labor	1,005.50	0.00	1,005.50
Totals	1,005.50	0.00	1,005.50
		Total this Invoice	\$2,650.36

Outstanding Invoices

Number	Date	Balance
12	5/10/2019	5,083.00
Total		5,083.00

Net 30 days.

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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

June 14, 2019

Invoice No: 2019119.01 - 4

APPROVED FOR PAYMENT
 BY: *[Signature]*
 DATE: 6-26-19
 2019-00089

Invoice Total \$2,240.25

Project 2019119.01 Beachwood - General Engineering

Service Dept.
P.O.#2019-00089

Professional Services from April 27, 2019 to May 31, 2019

Task 100 General Meeting Attendance
Professional Personnel

	Hours	Rate	Amount	
Project Manager				
Ciuni, Joseph	1.00	107.00	107.00	
Brentwood - Law Director meeting about flooding.				
Ciuni, Joseph	1.00	107.00	107.00	
Cedar Road Progress meeting.				
Ciuni, Joseph	1.00	107.00	107.00	
NEORSO meeting.				
Ciuni, Joseph	1.00	107.00	107.00	
Kippens/Brown meeting				
Senior Engineer				
Gorman, Jacqueline	1.00	97.50	97.50	
MCIP Application meeting with NEORSO.				
Totals	5.00		525.50	
Total Labor				525.50
		Total this Task		\$525.50

Billings to Date

	Current	Prior	Total
Labor	525.50	0.00	525.50
Totals	525.50	0.00	525.50

Task 200 General Engineering
Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	2.00	107.00	214.00
2569 Brentwood - Backyard drainage.			
Ciuni, Joseph	2.00	107.00	214.00
Backyard drainage complaints.			

Net 30 days.

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 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

Project	2019119.01	Beachwood - General Engineering		Invoice	4
Ciuni, Joseph		1.00	107.00	107.00	
Backyard drainage issues - Tunbridge.					
Ciuni, Joseph		1.00	107.00	107.00	
Cedar Road resurfacing issues.					
Ciuni, Joseph		1.00	107.00	107.00	
Fairwood Court Street dedication.					
Ciuni, Joseph		1.00	107.00	107.00	
MCIP application.					
Ciuni, Joseph		1.00	107.00	107.00	
Tunbridge - backyard drainage.					
Ciuni, Joseph		1.00	107.00	107.00	
Turnbridge - backyard drainage.					
Fini, Nicholas		.50	107.00	53.50	
Fairwood Court.					
Westbrooks, Kevin		1.00	107.00	107.00	
Westbrooks, Kevin		1.00	107.00	107.00	
Belvoir/Farnsleigh.					
Senior Engineer					
Gorman, Jacqueline		1.50	97.50	146.25	
MCIP.					
Senior Designer					
Weissberg, Carl		3.00	77.00	231.00	
Farnsleigh-Belvoir exhibit.					
Totals		17.00		1,714.75	
Total Labor					1,714.75
Total this Task					\$1,714.75

Billings to Date

	Current	Prior	Total
Labor	1,714.75	2,415.00	4,129.75
Totals	1,714.75	2,415.00	4,129.75
Total this Invoice			\$2,240.25

Billings to Date

	Current	Prior	Total
Labor	2,240.25	3,775.50	6,015.75
Totals	2,240.25	3,775.50	6,015.75

Net 30 days.

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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

June 14, 2019

Invoice No: 2019119.05 - 3

APPROVED FOR PAYMENT
 BY: *C. Ciuni*
 DATE: *6-26-19*
 P.O. #: *2019-00989*

Invoice Total \$11,085.00

Project 2019119.05 Beachwood - George Zeiger Drive - Resurfacing

Service Dept.

Professional Services from April 27, 2019 to May 31, 2019

Task 100 Design

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	10.00	107.00	1,070.00
Fini, Nicholas	36.50	107.00	3,905.50
Senior Designer			
Weissberg, Carl	38.50	77.00	2,964.50
CAD Drafter			
Allison, Tyshanee	7.00	71.00	497.00
Fano, Alexander	1.50	71.00	106.50
Fano, Alexander	14.00	71.00	994.00
Basemapping.			
Parker, Eric	2.00	71.00	142.00
Saunders, Andrew	2.00	71.00	142.00
Shaffer, Cody	1.50	71.00	106.50
Shaffer, Cody	1.00	71.00	71.00
Survey scan data.			
1-Person Crew with Robotic Instrument			
Leech, Ryan	1.00	90.50	90.50
Novak, Rick	2.00	90.50	181.00
Tribuzi, Ryan	9.00	90.50	814.50
Totals	126.00		11,085.00

Total Labor

11,085.00

Total this Task

\$11,085.00

Billings to Date

	Current	Prior	Total
Labor	11,085.00	8,706.00	19,791.00
Totals	11,085.00	8,706.00	19,791.00

Net 30 days.

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Project	2019119.05	Beachwood-George Zeiger Dr-Resurfacing	Invoice	3
Total this Invoice			<u>\$11,085.00</u>	

Outstanding Invoices

Number	Date	Balance
2	5/10/2019	7,597.00
Total		7,597.00

Billings to Date

	Current	Prior	Total
Labor	11,085.00	8,706.00	19,791.00
Totals	11,085.00	8,706.00	19,791.00

Net 30 days.

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AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Chief Gary Haba
 Police Department
 2700 Richmond Road
 Beachwood, OH 44122

APPROVED FOR PAYMENT
 BY: *[Signature]*
 DATE: *6-19-19*
 P/O: *2019-00094*

June 14, 2019
 Invoice No:

2019119.90 - 5

Invoice Total \$2,232.75

Project 2019119.90 Beachwood - 2019 Traffic Engineering Services
 P.O. #2019-00094
 Max Not to Exceed \$45,000.00
Professional Services from April 27, 2019 to May 31, 2019

Task 054 April Signal Management

Reimbursable Expenses

Travel & Lodging			
4/10/2019	Gillespie, Ryan	Travel	50.00
Total Reimbursables			50.00
Total this Task			\$50.00

Task 055 May Signal Management

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Gillespie, Ryan	13.00	107.00	1,391.00
Design Engineer			
Ferrell, Brett	.50	92.50	46.25
CAD Drafter			
Krause, Julia	6.00	71.00	426.00
Stimson, Diana	4.50	71.00	319.50
Totals	24.00		2,182.75
Total Labor			2,182.75
Total this Task			\$2,182.75

Billing Limits

	Current	Prior	To-Date
Total Billings	2,232.75	5,855.75	8,088.50
Limit			45,000.00
Remaining			36,911.50
Total this Invoice			\$2,232.75

Net 30 days.

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Project	2019119.90	Beachwood - 2019 Traffic Eng Services	Invoice	5
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Outstanding Invoices

Number	Date	Balance
4	5/10/2019	1,437.25
Total		1,437.25

Net 30 days.

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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

June 14, 2019

Invoice No:

2019120.01 - 5

APPROVED FOR PAYMENT
 BY: *WJ*
 DATE: *6-26-19*
 P/O: *2019-00102*

Invoice Total \$321.00

Project 2019120.01 Beachwood - General Engineering

Building Dept.
P.O.#2019-00102

Professional Services from April 27, 2019 to May 31, 2019

Task 100 General Meeting Attendance

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	1.00	107.00	107.00
3 small P&Z items with no comments.			
Ciuni, Joseph	2.00	107.00	214.00
P&Z Mtg.			
Totals	3.00		321.00
Total Labor			321.00
Total this Task			\$321.00

Billings to Date

	Current	Prior	Total
Labor	321.00	321.00	642.00
Totals	321.00	321.00	642.00
Total this Invoice			\$321.00

Outstanding Invoices

Number	Date	Balance
4	5/10/2019	321.00
Total		321.00

Billings to Date

	Current	Prior	Total
Labor	321.00	642.00	963.00
Totals	321.00	642.00	963.00

Net 30 days.

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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
Attn: Larry Heiser, Finance Director
25325 Fairmount Blvd.
Beachwood, OH 44122

June 14, 2019

Invoice No: 2019120.17 - 1

Invoice **\$428.00**
Total

Project 2019120.17 Beachwood - 1 Deerfield Lane - P&Z 2019-14 and 15

Building Dept.

Professional Services from April 27, 2019 to May 31, 2019

Task 100 Plan Review-Lot Split/Consolidation Plat

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	2.00	107.00	214.00
Totals	2.00		214.00
Total Labor			214.00
Total this Task			\$214.00

Billings to Date

	Current	Prior	Total
Labor	214.00	0.00	214.00
Totals	214.00	0.00	214.00

Task 110 Plan Review - Site Plan for Porch

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	2.00	107.00	214.00
Totals	2.00		214.00
Total Labor			214.00
Total this Task			\$214.00

Billings to Date

	Current	Prior	Total
Labor	214.00	0.00	214.00
Totals	214.00	0.00	214.00

APPROVED FOR PAYMENT

Total this Invoice **\$428.00**

BY: WG

DATE: 6-26-19

Ph: 783.000.53130

Net 30 days.

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Project	2019120.17	Beachwood - 1 Deerfield Lane	Invoice	1
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Billings to Date

	Current	Prior	Total
Labor	428.00	0.00	428.00
Totals	428.00	0.00	428.00

Net 30 days.

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GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

memo
LWB Design LLC
#1993118

June 14, 2019
 Invoice No: 2019120.19 - 1

Invoice	\$160.50
Total	

Project 2019120.19 Beachwood - 2500 Blossom - Lot Consolidation

Building Dept.

Professional Services from April 27, 2019 to May 31, 2019

Task 100 Plan Review - Lot Consolidation

Professional Personnel

	Hours	Rate	Amount	
Project Manager				
Ciuni, Joseph	1.50	107.00	160.50	
Totals	1.50		160.50	
Total Labor				160.50
Total this Task				\$160.50
Total this Invoice				\$160.50

Billings to Date

	Current	Prior	Total
Labor	160.50	0.00	160.50
Totals	160.50	0.00	160.50

APPROVED FOR PAYMENT

BY: WG
 DATE: 6-26-19
 PO: 783.000.53130

Net 30 days.

AKRON / ATLANTA / CHARDON / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
 INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN



GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 25325 Fairmount Blvd.
 Beachwood, OH 44122

June 14, 2019

Invoice No: 2019120.20 - 1

APPROVED FOR PAYMENT
 BY: *W5*
 DATE: *6-26-19*
2019-00102
General Fund?

Invoice Total \$214.00

Project 2019120.20 Beachwood - Small Cell Plan Review

Building Dept.

Professional Services from April 27, 2019 to May 31, 2019

Task 100 Verizon Site #1 - Plan Review

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	1.00	107.00	107.00
Totals	1.00		107.00
Total Labor			107.00
Total this Task			\$107.00

Billings to Date

	Current	Prior	Total
Labor	107.00	0.00	107.00
Totals	107.00	0.00	107.00

Task 101 Verizon Site #2 - Plan Review

Professional Personnel

	Hours	Rate	Amount
Project Manager			
Ciuni, Joseph	1.00	107.00	107.00
Totals	1.00		107.00
Total Labor			107.00
Total this Task			\$107.00

Billings to Date

	Current	Prior	Total
Labor	107.00	0.00	107.00
Totals	107.00	0.00	107.00

Total this Invoice \$214.00

Net 30 days.

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Project	2019120.20	Beachwood - Small Cell Plan Review	Invoice	1
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Billings to Date

	Current	Prior	Total
Labor	214.00	0.00	214.00
Totals	214.00	0.00	214.00

Net 30 days.

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INDIANAPOLIS / LOUISVILLE / MARION / PHOENIX / SEATTLE / YOUNGSTOWN

CODE CONSULTATION & PLAN REVIEW SERVICES, LLC

July 2, 2019

The City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, OH 44122

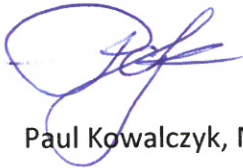
RE: Building Department Plan Review

INVOICE FOR PROFESSIONAL SERVICES RENDERED:

Plan review for the month of June 2019 \$542.75
(See attached sheet for breakdown)

Total amount due
Five Hundred Forty-Two Dollars and Seventy-five Cents **\$542.75**

Please make check payable to "Code Consultation & Plan Review Services, LLC." Thank you.



Paul Kowalczyk, MPE #798

APPROVED FOR PAYMENT
BY William Griswold
DATE 7/9/19
DO:

**City of Beachwood
Plan Examination Services
June 2019 Invoice**

Beachwood Plan Review No.:	PK Plan Review No.:	Project:	Time:	Charge:
2019-33139	BW19-30.1 6/16/19	UH Ahuja Medical Center 3999 Richmond Road Pharmacy Trailer - 2nd submission	2 hours 30 min.	\$208.75
2018-31613	BW18-85.2 6/19/19	Cleveland Clinic FHC Pre/Post Surgery Renovation 26900 Cedar Road Interior Alterations – Revisions 5/17/19	1 hour 30 min.	\$125.25
2019-33875	BW19-41 6/25/19	Parker Skin Care 3737 Park East Interior Alterations	2 hours 30 min.	\$208.75
Total:				\$542.75

Paul Kowalczyk, MPE #798

Tactical Planning, LLC

P.O. Box 3163
Cuyahoga Falls, Ohio 44223
Ph: 440-725-1886
geosmerigan@gmail.com

INVOICE

City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, Ohio 44122

June 26, 2019

FED ID # 46-3453684

P.O. # 2018-03082

INV # BW-1934

For professional services rendered with regard to **Updating the Planning and Zoning and Building Codes** pursuant to the above referenced Purchase Order:

Coordination Re: Graphics

G. Smerigan	1.5 Hours	@	\$115.00 / hour	\$172.50
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Coordination W/ Law Department and Building Department

G. Smerigan	1.5 Hours	@	\$115.00 / hour	\$172.50
-------------	-----------	---	-----------------	----------

TOTAL DUE THIS INVOICE

\$345.00

APPROVED FOR PAYMENT

BY Will Briswell
DATE 6/28/19
FOR _____

Thank you,



George Smerigan
Member

Tactical Planning, LLC

P.O. Box 3163
Cuyahoga Falls, Ohio 44223
Ph: 440-725-1886
geosmerigan@gmail.com

INVOICE

City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, Ohio 44122

June 26, 2019

FED ID # 46-3453684

P.O. # 2014-00196

INV # BW-1935

For professional services rendered as follows:

Meeting w/ Orleans Group (6/17/19)

G. Smerigan	2.0 Hours	@	\$115.00 / hour	\$230.00
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Meeting re: Beachwood Place (6/24/19)

G. Smerigan	1.0 Hours	@	\$115.00 / hour	\$115.00
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Meeting re: Ahuja (6/24/19)

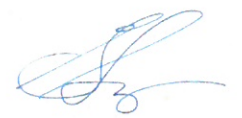
G. Smerigan	1.0 Hours	@	\$115.00 / hour	\$115.00
-------------	-----------	---	-----------------	----------

TOTAL DUE THIS INVOICE

\$460.00

Thank you,

APPROVED FOR PAYMENT
BY: Willie Briswell
DATE: 6/28/19
P/O: _____


George Smerigan
Managing Member

Tactical Planning, LLC

P.O. Box 3163
Cuyahoga Falls, Ohio 44223
Ph: 440-725-1886
geosmerigan@gmail.com

INVOICE

City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, Ohio 44122

June 28, 2019

FED ID # 46-3453684

P.O. # 2014-00196

INV # BW-1936

Memo
Alex Namrow
#1993119

For professional services rendered with regard to plan reviews and report preparation for the **June 27, 2019 Planning and Zoning Commission Meeting** as follows:

P&Z 2019-19

Alex Namrow

G. Smerigan

1.5 Hours

@

\$115.00 / hour

\$172.50

✓

TOTAL DUE THIS INVOICE

\$172.50

Thank you,



George Smerigan
Managing Member

APPROVED FOR PAYMENT

BY: Will Griseol

DATE: 7/8/19

P/O: _____

Tactical Planning, LLC

P.O. Box 3163
Cuyahoga Falls, Ohio 44223
Ph: 440-725-1886
geosmerigan@gmail.com

INVOICE

City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, Ohio 44122

June 28, 2019

FED ID # 46-3453684

P.O. # 2014-00196

INV # BW-1937

Allied Management
#1993120
Memo

For professional services rendered with regard to plan reviews and report preparation for the **June 27, 2019 Planning and Zoning Commission Meeting** as follows:

<u>P&Z 2019-20</u>	<u>Allied Management / Dina Lipins</u>			
G. Smerigan	2.0 Hours	@	\$115.00 / hour	\$230.00

TOTAL DUE THIS INVOICE

\$230.00

Thank you,



George Smerigan
Managing Member

APPROVED FOR PAYMENT
BY: Will Briswell
DATE: 7/8/19
P/O: _____

Tactical Planning, LLC

P.O. Box 3163
Cuyahoga Falls, Ohio 44223
Ph: 440-725-1886
geosmerigan@gmail.com

INVOICE

City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, Ohio 44122

July 2, 2019

FED ID # 46-3453684

P.O. # 2014-00196

INV # BW-1938

For professional services rendered as follows:

ARB Meeting (7/1/19)

G. Smerigan 1.0 Hours @ \$115.00 / hour \$115.00

Coordination with Building Department re: Zoning Inquires

G. Smerigan 2.0 Hours @ \$115.00 / hour \$230.00

TOTAL DUE THIS INVOICE

\$345.00

Thank you,

APPROVED FOR PAYMENT

BY: Will Grosz

DATE: 7/9/19

P/O: _____



George Smerigan
Managing Member



MICHAEL H. WILDERMUTH, AIA, ARCHITECT

July 8, 2019

The City of Beachwood
Accounts Payable Department
P.O. Box 22659
Beachwood, Ohio 44122

Re: Building Department
Plan Review Services for June 2019

Invoice for professional services rendered for the review of plans for compliance with the Ohio Building Code.

Plan Review for the month of June 2019.....	\$ 125.25
Cost Breakdown Sheet Attached	
Total amount due.....	\$ 125.25

Respectfully,

Michael H. Wildermuth

Michael H. Wildermuth, AIA
Master Plans Examiner

APPROVED FOR PAYMENT
BY: Will Grissom
DATE: 7/11/19
P/O: _____

38255 RIDGE ROAD WILLOUGHBY, OHIO 44094 440-946-1061/ C 440-749-1877
mhwildermuth@oh.rr.com



MICHAEL H. WILDERMUTH, AIA, ARCHITECT
Beachwood Plan Review

		June 2019		
MHW	Beachwood	Job Name	Time	
Job No.	Receipt No.			
CB19-11-FA REV 1 6-15-19	2019-33456	Paladina Health 29700 Science Park Fire Alarm	1.5 H	\$125.25
		Total	1.5 H	\$125.25

**CITY OF BEACHWOOD
FINANCE DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mayor Martin Horwitz
FROM: Larry A. Heiser, Finance Director *LAH*
RE: 2019 Budget Amendment
DATE: July 5, 2019

Mayor –

The Federal reserve futures market currently has a 100% of a rate cut by the end of July and a better than 90% chance of a 50-basis point reduction before year-end, information provided this week by 5th 3rd securities, UBS investments and Stifel. Due to those reductions I am advocating that we consider exercising the call option on the 2010 Bond series which can be exercised on December 1, 2020. The 2010 Bond series principal balances of \$1,170,000 (2021) and \$1,050,000 (2022) have respective interest rates of 3.65% and 4.00%. I would anticipate that the maximum rate of return available will be below 2% by the end of 2019.

Notwithstanding the debt issue payment in 2020, it is obvious that there are many Capital needs facing the City of Beachwood in the coming years, Police Station, green initiatives, and Bryden Road are just a few examples.

In planning ahead for 2020; I am proposing that we increase the 2019 budget by \$2,000,000 million dollars, due to the fact that our revenues are currently projected to be more than \$2,000,000 million than initially budgeted, we can increase both the revenues and expenditures by the \$2,000,000 million. Furthermore, I would propose that the transfers out for Debt service and for Capital Projects both increase by \$1,000,000.

I have attached a cash flow of the Debt Service Fund showing that the total principal payments are the same.

Please let me know if you have any questions or would like further explanations.

Thank You.

City of Beachwood

Paying Off 2010 Refunding in 2020

Year	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total Transfers
Debt Service Fund												
Revenue and Other Sources												
Assessments	\$ 568,761	\$ 587,575	\$ 584,056	\$ 535,998	\$ 483,660	\$ 375,060	\$ 375,260	\$ 370,060	\$ 369,660	\$ 363,860	\$ 365,610	2020-2028
Transfer In	\$ 2,000,000	\$ 2,000,000	\$ 4,300,000	\$ 1,000,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 500,000	\$ 550,000	\$ 550,000	\$ 500,000	\$ 11,000,000
Bond Premium												
Debt Service on Bond Issues	\$ 2,887,813	\$ 2,885,570	\$ 5,243,990	\$ 1,508,660	\$ 1,559,710	\$ 1,597,110	\$ 1,586,873	\$ 911,023	\$ 904,623	\$ 901,823	\$ 900,973	
Beginning Balance	\$ 1,045,726	\$ 726,674	\$ 428,678	\$ 68,744	\$ 96,082	\$ 220,032	\$ 197,982	\$ 186,369	\$ 145,407	\$ 160,444	\$ 172,482	
Ending Balance	\$ 726,674	\$ 428,678	\$ 68,744	\$ 96,082	\$ 220,032	\$ 197,982	\$ 186,369	\$ 145,407	\$ 160,444	\$ 172,482	\$ 137,119	

Year	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	
Debt Service Fund												
Revenue and Other Sources												
Assessments	\$ 568,761	\$ 587,575	\$ 584,056	\$ 535,998	\$ 483,660	\$ 375,060	\$ 375,260	\$ 370,060	\$ 369,660	\$ 363,860	\$ 365,610	2020-2028
Transfer In	\$ 2,000,000	\$ 2,000,000	\$ 2,200,000	\$ 2,100,000	\$ 2,200,000	\$ 1,200,000	\$ 1,200,000	\$ 500,000	\$ 550,000	\$ 550,000	\$ 500,000	\$ 11,000,000
Bond Premium												
Debt Service on Bond Issues	\$ 2,887,813	\$ 2,885,570	\$ 2,903,990	\$ 2,847,486	\$ 2,693,710	\$ 1,597,110	\$ 1,586,873	\$ 911,023	\$ 904,623	\$ 901,823	\$ 900,973	
Beginning Balance	\$ 1,045,726	\$ 726,674	\$ 428,678	\$ 308,744	\$ 97,256	\$ 87,206	\$ 65,156	\$ 53,543	\$ 12,580	\$ 27,617	\$ 39,654	
Ending Balance	\$ 726,674	\$ 428,678	\$ 308,744	\$ 97,256	\$ 87,206	\$ 65,156	\$ 53,543	\$ 12,580	\$ 27,617	\$ 39,654	\$ 4,291	

CITY OF BEACHWOOD
FINANCE DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Mayor Martin S. Horwitz, Finance Chair Alec Isaacson
FROM: Larry A. Heiser, Finance Director *LAH*
RE: 2019 Amended Budget
DATE: July 22, 2019

Mayor and Alec –

I have 3 budget amendments for the August 5th Council meeting.

First: 1) Due to the large amount of overtime within the Fire Department we need to increase Fire Budget (GF Department 231 “Wages”) by \$150,000.

Second: 1) We need to increase the Worker’s Compensation Fund (501) appropriations by \$700,000.
2) We need to increase the Fire Budget (GF Department 231 “Other”) by \$700,000 and increase General Fund (101) revenue (reimbursements) by \$300,000.

Third: With revenues projected to exceed initial budget amounts in 2019: 1) Increase General Fund (101) revenue (Municipal Income Taxes) \$1,700,000. 2) Increase transfers out by \$2,000,000 3) Increase estimated revenue in the General Bond Retirement Fund (331) and Capital Improvement Fund (441) by \$1,000,000 each fund. There will be a separate ordinance to approve the transfers, there is no expectation to expend those funds in 2019. The purpose of the increased transfers is in preparation of the 2020 budget needs.

Please let me know if you have any questions.

Thank You.

INTRODUCED BY:

ORDINANCE NO. 2019-88

AN ORDINANCE AMENDING APPROPRIATIONS FOR CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BEACHWOOD, STATE OF OHIO, FOR THE FISCAL YEAR 2019, JANUARY 1, 2019 TO DECEMBER 31, 2019, INCLUSIVE; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, City Council approved Ordinance No. 2018-191 on December 17, 2018, authorizing appropriations for current expenditures and other expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2019, January 1, 2019 to December 31, 2019, inclusive; and

WHEREAS, on March 4, 2019, City Council approved Ordinance No. 2019-35, amending Ordinance Number 2018-191; and

WHEREAS, on March 18, 2019, City Council also approved Ordinance No. 2019-42, amending Ordinance Number 2019-35; and

WHEREAS, on July 1, 2019, City Council also approved Ordinance No. 2019-77, amending Ordinance Number 2019-42; and

WHEREAS, at this time it is once again necessary to amend certain appropriations to provide for current expenditures and other expenses of the City of Beachwood for the Fiscal Year 2019, January 1, 2019 to December 31, 2019, inclusive.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1: Based upon the recommendation of the Finance Director, the City's appropriations, as authorized in Ordinance No. 2018-191 as amended by Ordinance No. 2019-35, Ordinance No. 2019-42 and Ordinance No. 2019-77, are hereby further amended to reflect the increases and/or decreases set out in Exhibit "A", a copy of which is attached hereto and incorporated herein.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure immediately necessary for the preservation of public peace, health or safety or the efficient operation of the City, and for the further reason because this is an appropriation of money for current expenses and other expenditures of the City of Beachwood for the Fiscal Year ending December 31, 2019; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 5th day of August, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019, and filed it with the Clerk.

Mayor

City of Beachwood
2019 Appropriations

General Fund	Department	Wages & Benefits		Other	Total
	101 Council	\$	125,600	\$ 40,450	\$ 166,050
	121 Mayor	\$	491,800	\$ 159,200	\$ 651,000
	122 Economic Development	\$	154,500	\$ 425,300	\$ 579,800
	123 Human Resources	\$	200,900	\$ 16,100	\$ 217,000
	131 Finance Department	\$	1,405,000	\$ 7,820,400	\$ 9,225,400
	141 Law Department	\$	475,300	\$ 170,700	\$ 646,000
	221 Police	\$	10,514,500	\$ 1,008,100	\$ 11,522,600
	231 Fire	\$	8,113,600	\$ 1,448,400	\$ 9,562,000
	341 Service Administration	\$	6,775,400	\$ 3,256,800	\$ 10,032,200
	441 Human Services	\$	421,700	\$ 291,300	\$ 713,000
	511 Recreation Administration	\$	883,500	\$ 575,000	\$ 1,458,500
	512 Camps	\$	367,000	\$ 182,300	\$ 549,300
	514 Sports	\$	17,400	\$ 64,400	\$ 81,800
	519 Other Programs	\$	81,800	\$ 92,100	\$ 173,900
	531 Pools and Parks	\$	266,400	\$ 316,500	\$ 582,900
	611 Building	\$	1,248,000	\$ 119,700	\$ 1,367,700
	Total General Fund				\$ 47,529,150
Special Revenue Fund					
	Fund #				
	211 Street Construction Maint. & Repair	\$	-	\$ 1,475,000	\$ 1,475,000
	212 State Highway	\$	-	\$ 200,000	\$ 200,000
	231 Mayor's Court Improvement	\$	-	\$ 50,000	\$ 50,000
	241 Federal Equitable Sharing	\$	-	\$ 200,000	\$ 200,000
	243 Drug Law Enforcement	\$	-	\$ 100,000	\$ 100,000
	261 Blossom Lane Street Lights	\$	-	\$ 1,650	\$ 1,650
	262 George Zieger Drive Street Lights	\$	-	\$ 18,900	\$ 18,900
	291 Eaton TIF Fund	\$	-	\$ 4,500,000	\$ 4,500,000
	292 Omnova TIF Fund	\$	-	\$ 370,000	\$ 370,000
	Total Special Revenue Fund				\$ 6,915,550
Debt Service Fund					
	Fund #				
	331 General Bond Retirement	\$	-	\$ 2,893,000	\$ 2,893,000
	Total Debt Service Fund				\$ 2,893,000
Capital Improvement Fund					
	Fund #				
	441 Capital Improvement	\$	-	\$ 2,161,000	\$ 2,161,000
	Total Capital Improvement				\$ 2,161,000
Internal Service Fund					
	Fund #				
	501 Workers' Compensation Self Insurance	\$	-	\$ 950,000	\$ 950,000
	Total Internal Service Fund				\$ 950,000
Trust and Agency Funds					
	Fund #				
	784 Police Pension Fund	\$	-	\$ 248,000	\$ 248,000
	Total Trust and Agency Funds				\$ 248,000
TOTAL 2019 APPROPRIATIONS					<u>\$ 60,696,700</u>

(Finance appropriation includes a \$2,000,000 transfer to Debt Service Fund, and \$2,000,000 transfer to the Capital Improvement Fund)

Passed Ordinance : 2018-191

Amended: 2019-35 03/04/2019 : 2019-42 03/19/2019 : 2019-077 07/01/2019

Increase Fire Department Budget by \$200,000 (\$125,000 wages \$75,000 other (utilities))

Increase Council budget by \$8950

Move \$13,700 with Camps from other (professional services) to wages

Prepared LAH 06 21 19

Revised LAH 07 15 19

CITY OF BEACHWOOD

2019

FUND	ESTIMATED UNENCUMBERED JAN. 1, 2019 BALANCE	GEN. PROP. TAX	LOCAL GOV'T	AMENDED OTHER SOURCES	TOTAL	2019 APPROPRIATION	VARIANCE	2019 Estimated revenue
General Fund	\$23,500,000	\$ 2,560,000	\$ 113,700	\$ 41,826,300	\$ 68,000,000	\$ 44,470,200	\$ 23,529,800	\$ 44,500,000
General Bond Retirement	\$726,674			\$ 3,560,000	\$ 4,286,674	\$ 2,893,000	\$ 1,393,674	\$ 3,560,000
Police Pension	\$41,986	\$ 223,620		\$ -	\$ 265,606	\$ 248,000	\$ 17,606	\$ 223,620
St. Const. Maint. & Repair	\$1,299,783			\$ 450,000	\$ 1,749,783	\$ 1,475,000	\$ 274,783	\$ 450,000
State Highway	\$304,121			\$ 40,000	\$ 344,121	\$ 200,000	\$ 144,121	\$ 40,000
Mayor's Ct. Improvement	\$60,319			\$ 10,250	\$ 70,569	\$ 50,000	\$ 20,569	\$ 10,250
Federal Equitable Sharing	\$237,059			\$ 10,000	\$ 247,059	\$ 200,000	\$ 47,059	\$ 10,000
Law Enforcement Trust (Drug Law Enforcement)	\$149,241			\$ 15,000	\$ 164,241	\$ 100,000	\$ 64,241	\$ 15,000
Blossom Street Lights	\$898			\$ 1,700	\$ 2,598	\$ 1,650	\$ 948	\$ 1,700
Zeiger Drive Street Lights	\$98,776			\$ 18,500	\$ 117,276	\$ 18,900	\$ 98,376	\$ 18,500
Eaton TIF Fund	\$5,601,439			\$ 4,500,000	\$ 10,101,439	\$ 4,500,000	\$ 5,601,439	\$ 4,500,000
OMNOVA TIF Fund	\$0			\$ 370,000	\$ 370,000	\$ 370,000	\$ 0	\$ 370,000
Other Trust and Agency	Per State Auditor's Office we are not required to Budget for these funds							
Workers Compensation Self Insurance	\$1,500,000			\$ 250,000	\$ 1,750,000	\$ 250,000	\$ 1,500,000	\$ 250,000
Capital Improvement Fund	\$10,123,912			\$ 3,000,000	\$ 13,123,912	\$ 2,161,000	\$ 10,962,912	\$ 3,000,000
Total - All Funds	\$43,644,207	\$ 2,783,620	\$ 113,700	\$ 54,051,750	\$ 100,593,277	\$ 56,937,750	\$ 43,655,527	\$ 56,949,070

Prepared by LAH 3 15 2019

Amended 7/15/2019 by LAH

INTRODUCED BY:

ORDINANCE NO. 2019-89

AN ORDINANCE AMENDING THE CREDIT CARD POLICY FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the Finance Department for the City of Beachwood, Ohio, in an effort to comply with the requirements of HB 312, prepared an updated municipal credit card policy which was approved by Council pursuant to Ordinance No. 2019-15; and

WHEREAS, a slight change was made to the existing policy to clarify that the Finance Director shall be the custodian of all City issued credit cards and this change requires Council approval; and

WHEREAS, City Council, having reviewed the revised policy, deems it in the best interest of the health, safety, and welfare of the citizens of the City of Beachwood, Ohio that it be officially adopted to further insure the proper use of City credit cards by its employees and thereby minimize the risks of misuse.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, Cuyahoga County and State of Ohio, that:

Section 1: Based upon the recommendation of the Finance Department and City Auditor, the Mayor is hereby authorized to adopt and implement the Credit Card Policy, as amended as of July 15, 2019, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A."

Section 2: Upon passage of this Ordinance by City Council, the Finance Director is instructed to maintain custody of said Credit Card Policy and to distribute copies of same to each City employee authorized to use City credit cards.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is hereby declared to be an urgent measure immediately necessary for the preservation of the public peace, health or safety or the efficient operation of the City; and for the further reason that it is necessary to approve the policy promptly as required; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

ORDINANCE NO. 2019-89

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 5th day of August, 2019 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019 and filed it with the Clerk.

Mayor

CITY OF BEACHWOOD
FINANCIAL POLICY

POLICY NO.: F97-001(Revised 11-27-18)(Revised 7-15-19)

POLICY SUBJECT: USE OF CITY ISSUED CREDIT CARDS

PURPOSE: The purpose of this policy is to outline the terms and conditions of use of a City owned credit card. Use of the card(s) will improve control and efficiency by: 1) eliminating the issuance of hand checks for entities which do not accept City purchase orders; 2) eliminating receiving change for checks issued in amounts differing from actual attendance figures for an event; and 3) reducing the quantity of transactions necessary to process payment for departmental activities, as one payment will be generated to the bank in satisfaction of all outstanding obligations.

POLICY: **The Finance Director shall be the custodian of all City issued credit cards.**

1. Use of Card

A) Use of credit cards is restricted to the officers or positions/departments listed below. Credit cards are not to be used in place of or as an alternative to the normal procurement process of the City. The following officers or positions/departments are eligible for a credit card: Mayor, Finance Director, Assistant Finance Director, Purchasing Supervisor, Community Services Director, Recreation Supervisor, Assistant Recreation Supervisor, Community Service and Recreation Program Coordinators, Building Commissioner, Economic Development Department, Law Director, Service Director, Police Chief, Fire Chief and Assistant Fire Chief.

B) Credit cards are to be used in instances where vendors with whom the departments desire to do business do not accept City purchase orders or in instances where vendors demand payment on or before the scheduled program date. Credit cards may be used for meals and incidentals related to travel expenses for users attending approved seminars, conferences, or other educational programs. Any use of a credit card must comply with the limitations and conditions contained in the City Travel Expense Reimbursement Policy; expenses incurred which are not in accordance with the Travel Expense Reimbursement Policy will become the personal liability of the user.

C) In emergency situations, credit card purchases may be authorized by the department Director. "Emergency" situations are those which are unforeseen, unplanned, and of a nature serious enough to pose a threat to ongoing operations from a public safety standpoint. The department Director shall notify the Finance Director of any emergency expenditures approved for credit card use.

2. Limitations on Use

A) Use of a credit card is limited to the criteria defined in No. 1 above. Cash advances of any type are prohibited.

B) Unauthorized personnel in departments shall not be permitted to use a credit card. Department Directors must identify all staff within the department who have access to the credit card for authorized use.

C) Use of the card for non-City business is prohibited under all circumstances. Use of the card is restricted to authorized personnel only; spouses, other family members, friends, co-workers, etc. are prohibited from using the City issued credit card for any reason.

3. Procedures for Use and Reconciliation of Expenses

A) A purchase order must be issued each time the credit card will be used unless there is a blanket purchase order already in place.

B) Since all purchases are for governmental purposes, the user should notify the vendor at the time of purchase that all charges are tax exempt.

C) Subsequent to authorized use, the department supervisor shall forward to the Finance Department the customer copy of the DETAILED receipt along with any supporting documentation (list of registrants or attendees, etc.) which adequately explains the nature of the expense. If a detailed receipt is not obtained and the Auditor of State's Office issues a finding for recovery, it will be the credit card user's responsibility to personally pay the finding. The department supervisor shall be aware as to whether the credit card authorized for use has a limit of \$5,000.00 or \$2,500.00.

D) Accounts Payable shall process payment upon review and approval of all receipts and supporting documentation. Any questions relative to a transaction should be brought to the immediate attention of the Finance Director for resolution to avoid any service charges on the account.

E) All credit card charges and payments are subject to the review and approval of the City Audit Director. Any unauthorized use, as determined by the Audit Director, shall be recoverable from the employee and/or supervisor to whom the card is assigned.

4. Responsibilities of Authorized Users

A) Authorized users agree to abide by all requirements of this policy. Any changes incurred as a result of unauthorized use by any City employee shall be the personal responsibility of the individual to whom the credit card is assigned. Unauthorized charges must be paid immediately and may result in disciplinary action. If the holder of a City credit card does not sign an acknowledgment of the terms and conditions of use, card privileges will be rescinded immediately.

B) The Finance Director may cancel any card issued if the terms of this policy are not followed by authorized users. Authorized users must maintain safe custody of the cards at all times. Card numbers should not be disclosed for any reason to unauthorized personnel. Lost or stolen credit cards must be reported to the Finance Director immediately.

C) In the event there are any questions as to how the terms and conditions of this policy are to be interpreted, the employee must seek clarification from a supervisor and/or the Finance Department prior to executing a questionable transaction via the credit card. Any misinterpretations or lack of judgment on the part of an employee shall not be reasons for unauthorized usage and will result in the employee assuming full personal responsibility for any charges associated with unauthorized use.

5. Authorization and Acknowledgment

A) All authorized card users shall be approved by the departmental director or the Mayor on the attached form. Individual users to whom purchasing authority has been granted shall sign the attached statement acknowledging compliance with the policy.

6. Rewards

A) The City of Beachwood will utilize credit cards which do not include reward features.

DEPARTMENTAL AUTHORIZATIONS

The employees of the _____ department listed below have been authorized to use a City-issued credit card and have been notified that any such usage shall be in compliance with City policy.

1. _____
Name
2. _____
Name
3. _____
Name
4. _____
Name
5. _____
Name
6. _____
Name

Approved by: _____
Name

Title

Date

ACCEPTANCE OF TERMS OF POLICY NO F97-001 (REVISED)

I agree to abide by the terms of this policy and acknowledge my personal liability as disclosed in Section 4 of the policy.

Printed Name

Date

Signature

INTRODUCED BY:

ORDINANCE NO. 2019-90

AN ORDINANCE APPOINTING THOMAS F. GREVE AS A SUBSTITUTE PROSECUTOR FOR THE CITY OF BEACHWOOD, OHIO, ESTABLISHING COMPENSATION; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the City desires to engage the firm of Matty, Henrickson & Greve, LLC and appoint attorney Thomas F. Greve as a Substitute Prosecutor for the City of Beachwood, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1:

(a) The Mayor is hereby authorized and directed to enter into an agreement to engage the firm of Matty, Henrickson & Greve, LLC and appoint attorney Thomas F. Greve as a Substitute Prosecutor for the City of Beachwood, Ohio to perform prosecutorial duties at Shaker Heights Municipal Court, Beachwood Mayor's Court, and any capacity as needed by the Beachwood, Ohio Police Department and any other prosecutorial matters deemed appropriate by the Beachwood, Ohio Law Director. Mr. Greve will serve on an as needed basis and as directed by the City's Prosecutor or Law Director.

(b) Thomas F. Greve is hereby appointed as a Substitute Prosecutor as of August 5, 2019.

(c) All work shall be compensated by the City at an hourly rate of One Hundred and Twenty Five Dollars and No/Cents (\$125.00).

(d) The firm of Matty, Henrickson & Greve, LLC shall, on a monthly basis, provide the Mayor and the Finance Director with a written accounting of all time spent by him conducting prosecutorial duties. Such accounting shall include an itemization of time spent on the matter, a description of the work performed, and an identification of the person performing the work.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure immediately necessary for the preservation of public peace, health or safety or the efficient operation of the City, and for the further reason that the legal services provided herein are needed for the current operation of the City wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

ORDINANCE NO. 2019-90

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 5th day of August, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019 and filed it with the Clerk.

Mayor

INTRODUCED BY:

AMENDED ORDINANCE NO. 2019-20

AN ORDINANCE AMENDING BCO CHAPTER 1111, SECTION 1111.02, SUBSECTION (I) CLASS U-7A USES OF THE CITY OF BEACHWOOD, OHIO PLANNING AND ZONING CODE

WHEREAS, Rico Pietro and Chad Kertesz, on behalf of HCRI Beachwood Inc., have requested an amendment to BCO Chapter 1111, Section 1111.02, subsection (I) Class U-7A Uses; and

WHEREAS, it is Council's desire to refer said requested amendment to its Planning and Zoning Commission for study and a report and recommendation in accordance with BCO 1107.01.

NOW , THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Council of the City of Beachwood, having received, on or about December 28, 2018, a request on behalf of HCRI Beachwood Inc. for an amendment to the City's Planning and Zoning Code, which is attached hereto and incorporated herein as Exhibit "A" and as now amended, placed said proposed amendment on first reading, and referred the proposed amendment to the Planning and Zoning Commission for its report and recommendation.

As amended, the proposed zoning amendment was recommended for approval by the Planning and Zoning Commission at its April 25, 2019 meeting.

Upon Council's receipt of the report and recommendation of the Planning and Zoning Commission recommending for approval the proposed zoning amendment, the issue of the within the zoning amendment was set for a Public Hearing on the 1st day of July, 2019 at Beachwood City Hall, Council Chambers.

Section 2: The Clerk of Council advertised the hearing in a newspaper of general circulation in the City for a period of not less than thirty (30) days prior to the Public Hearing, setting forth the substance of the proposed amendment. The hearing was conducted on July 1, 2019.

Section 3: Based upon the above, existing Section 1111.02(I), Class U-7A Uses, of the Codified Ordinances of the City of Beachwood, Ohio Planning and Zoning Code is hereby amended to include the additional uses set forth in Exhibit "A."

Section 4: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the ___ day of _____, 2019 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the ___ day of _____, 2019.

Clerk

Approval: I have approved this legislation this ____ day of _____, 2019 and filed it with the Clerk.

Mayor

***AMEND SECTION 1111.02 CLASSIFICATION OF USES SUBSECTION (L)
CLASS U-7A USES, BY ADDING ITEMS (10) AND (11) TO READ AS
FOLLOWS:***

- (10) For property on Park East Drive, Restaurants with a Conditional Use Permit approved by the Planning Commission.**
- (11) For property on Park East Drive, Multi-family dwellings with a Conditional Use Permit approved by the Planning Commission.**

INTRODUCED BY:

ORDINANCE NO. 2019-91

AN ORDINANCE ACCEPTING A CERTAIN BID FROM CARRON ASPHALT PAVING, INC., FOR THE 2019 ASPHALT PATCHING PROJECT; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, four (4) bids were received by the Clerk on July 26, 2019, for the 2019 Asphalt Patching Project, pursuant to an advertisement for competitive bidding as required by law; and

WHEREAS, the bid of Carron Asphalt Paving, Inc. in an amount not to exceed One Hundred Thousand Dollars and No/Cents (\$100,000.00), was the lowest and best bid received; and

WHEREAS, the Public Works Director and City Engineer recommend that Council accept the bid of Carron Asphalt Paving, Inc.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Based upon the recommendation of the Public Works Director and the City Engineer, the bid of Carron Asphalt Paving, Inc., is found to be the lowest and best bid received for the 2019 Asphalt Patching Project, in an amount not to exceed One Hundred Thousand Dollars and No/Cents (\$100,000.00).

Section 2: The Mayor is authorized to enter into a contract on behalf of the City of Beachwood, Ohio with said Company.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees, relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is hereby declared an urgent measure which is immediately necessary for the preservation of the public peace, health, safety or efficient operation of the City, and for the further reason that the work may begin as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 5th day of August, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019, and filed it with the Clerk.

Mayor

CONTRACT WITH CARRON ASPHALT PAVING, INC. FOR THE 2019 ASPHALT PATCHING PROJECT

This Contract is entered into by and between CARRON ASPHALT PAVING, INC., 7815 Bond Street, Solon, Ohio 44139 ("Contractor") and the CITY OF BEACHWOOD, OHIO, 25325 Fairmount Boulevard, Beachwood, Ohio 44122 ("City");

WHEREAS, the Clerk of Council, pursuant to a Motion passed by Council on **July 1, 2019**, advertised for bids for the work and/or services, hereinafter described, on **July 11, 2019, and July 18, 2019**, which bids were due on or before **1:00 o'clock P.M. on Friday, July 26, 2019**, at which time all bids were publicly opened and immediately tabulated and filed for public inspection with the Clerk of Council; and

WHEREAS, Council received the tabulation of the bids at a Public meeting held on **August 5, 2019**, at which time Council adopted **Ordinance No. 2019-** approving the bid of the Contractor to be the lowest and best bid ("Bid") and awarding this contract ("Contract").

WITNESSETH, that in consideration of the Contractor being recommended by the Public Works Director and chosen by the City, and for the money considerations provided herein, the parties covenant and agree as follows:

1. Based upon the recommendation of the Public Works Director, and as approved by City Council, the Mayor is authorized to enter into this Contract for the 2019 Asphalt Patching Project with the Contractor, in an amount not to exceed, One Hundred Thousand Dollars and No/Cents (\$100,000.00).

2. The Contractor shall provide labor and materials for the 2019 Asphalt Patching Project as submitted in its bid proposal and in accordance with the City's specifications. Before commencing any work, Contractor shall submit an action plan for approval by the Beachwood Police Department showing the means the Contractor will use to comply with the Supervision and Safety requirements contained in the specifications. All work shall be completed in accordance with a time schedule approved by the Public Works Director.

3. The Contractor shall furnish the Public Works Director and City Finance Director with a record of services rendered monthly, not later than five (5) days following the end of each month of the activity on forms approved by the Finance Director.

4. The Contractor is an independent contractor, having discretion over the means, methods and details of the services to be performed consistent with the overall goals and policies of the Public Works Department of the City of Beachwood, and shall provide all equipment, materials and labor necessary to perform the services. Contractor shall provide any necessary training of its employees. Contractor shall be responsible for arranging for Workers' Compensation coverage or equivalent for its employees, and shall deliver to the City a copy of a certificate showing compliance with such laws and shall comply with all laws applicable in the City of Beachwood or the State of Ohio. Contractor shall be responsible for verifying that the most current wage rates are utilized and for any changes in the prevailing wage rates or classifications throughout its performance of this Contract.

5. The City shall be entitled to cancel this Contract upon giving a five (5) days written notice to the Contractor for failure of the Contractor to comply with any of the provisions of this Contract or to furnish satisfactory work in connection with the required services. The City shall be entitled to terminate this Contract immediately upon a determination by the Public Works Director or Safety Director of the City that any act or omission arising from the work jeopardizes the safety or health of any person. The Contractor shall perform all work in accordance with all Federal, State and local laws and regulations governing such services. The Contractor shall operate during times approved and specified by the City.

6. Contractor shall provide labor and materials for the 2019 Asphalt Patching Project without any sub-contractors and will provide proper supervision and supervisory personnel in connection therewith.

7. Contractor shall furnish the City with evidence of general liability insurance from a company licensed by the State of Ohio in the amount of One Million Dollars (\$1,000,000.00) for any accidental occurrence arising out of any act or omission by the Contractor which causes bodily harm or property damage, and shall cause the City to be named as an additional insured on the policy. Contractor agrees to fully defend, indemnify and hold the City harmless from any and all claims, demands or causes of action for personal injury, property damage or otherwise arising from the services provided under this Contract, and whether involving employee claims or third party claims.

8. Ohio law prohibits any state agency or political subdivision from awarding a Contract, in excess of Twenty-Five Thousand Dollars (\$25,000.00), for goods, services, or construction to any person against whom a finding of recovery has been issued by the Auditor of State, if that finding is unresolved. Contractor certifies that an unresolved finding for recovery has not been issued against Contractor and attached is a completed Findings For Recovery Certification.

9. This Contract consists of this instrument and the component parts all of which are incorporated herein by reference as if fully rewritten, numbered and signed by the parties. Such documents, unless waived in writing by the Law Director, shall include, but are not limited to, plans and drawings, specifications, warranties, the performance bond approved by the City Law Director, proof of satisfactory liability insurance, proof of Workers' Compensation coverage in accordance with the laws of Ohio, the laws of the City of Beachwood, copies of advertisement, bid tabulations and purchase orders.

10. It shall be the responsibility of Contractor to obtain a copy of the purchase order issued by the City for the approved amount of this Contract. Furthermore, it shall be the responsibility of the Contractor to track remaining funds available and to not invoice the City for any amounts not approved by the terms of this Contract. Any alterations to this Contract shall conform to BCO 121.09(a). Invoices that exceed the approved amount of this Contract will not be paid by the City.

11. In the event of dispute, the Contractor first shall be required to and shall have the right to appeal directly to the Council of the City of Beachwood, and a decision by Council shall be a condition precedent to the institution of any litigation in a court of competent jurisdiction. Any legal action arising out of this Contract shall be brought only in a court of competent jurisdiction sitting in Cuyahoga County, Ohio.

12. This Contract may be executed by electronic mail, facsimile and in counterparts, each of which shall be deemed an original and all of which shall be deemed to be one and the same instrument.

13. Contractor acknowledges that no modifications can be made to this Contract without prior written action and approval by the Mayor and City Council.

14. This Contract represents the entire agreement between the parties, will be governed by the laws of the State of Ohio, and shall be binding upon both parties. This Contract cannot be assigned by the Contractor without the prior written permission of the City.

IN WITNESS WHEREOF, the parties have set their hand to this Contract on the dates next to their respective signatures.

CARRON ASPHALT PAVING, INC.

CITY OF BEACHWOOD

By: _____

By: _____

Martin S. Horwitz, Mayor

Title: _____

Date: _____

Date: _____

Approved as to form:

Diane A. Calta
Director of Law
Nathalie E. Supler
Assistant Law Director
25325 Fairmount Boulevard
Beachwood, Ohio 44122
216-595-5462
Date: _____

FINDINGS FOR RECOVERY CERTIFICATION

I am aware that Ohio law, under certain circumstances, prohibits a political subdivision from awarding a Contract for goods, services or construction to any person against whom a finding of recovery has been issued by the Auditor of State, if that finding is unresolved. I hereby certify that an unresolved finding for recovery has not been issued against Carron Asphalt Paving, Inc.

SIGNATURE

PRINTED NAME

TITLE

DATE

CERTIFICATE OF THE DIRECTOR OF FINANCE

To the Mayor/Director of Public Safety:

I hereby certify that the amount required to meet the City's obligations under this Contract has been lawfully appropriated and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.

Larry Heiser

Director of Finance

Date: _____

INTRODUCED BY:

ORDINANCE NO. 2019-92

AN ORDINANCE ACCEPTING A CERTAIN BID FROM TRI-MOR CORP., FOR THE 2019 CONCRETE PATCHING PROJECT; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, one (1) bid was received by the Clerk on July 26, 2019, for the 2019 Concrete Patching Project, pursuant to an advertisement for competitive bidding as required by law; and

WHEREAS, the bid of Tri-Mor Corp., in an amount not to exceed One Hundred Thousand Dollars and No/Cents (\$100,000.00), was the lowest and best bid received; and

WHEREAS, the Public Works Director and City Engineer recommend that Council accept the bid of Tri-Mor, Corp.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Based upon the recommendation of the Public Works Director and the City Engineer, the bid of Tri-Mor, Corp, is found to be the lowest and best bid received for the 2019 Concrete Patching Project, in an amount not to exceed One Hundred Thousand Dollars and No/Cents (\$100,000.00).

Section 2: The Mayor is authorized to enter into a contract on behalf of the City of Beachwood, Ohio with said Company.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees, relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is hereby declared an urgent measure which is immediately necessary for the preservation of the public peace, health, safety or efficient operation of the City, and for the further reason that the work may begin as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 5th day of August, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019, and filed it with the Clerk.

Mayor

CONTRACT WITH TRI-MOR CORP., FOR THE 2019 CONCRETE PATCHING PROJECT

This Contract is entered into by and between TRI-MOR, CORP., 8530 North Boyle Parkway, Twinsburg, Ohio 44087 ("Contractor") and the CITY OF BEACHWOOD, OHIO, 25325 Fairmount Boulevard, Beachwood, Ohio 44122 ("City");

WHEREAS, the Clerk of Council, pursuant to a Motion passed by Council on **July 1, 2019**, advertised for bids for the work and/or services, hereinafter described, on **July 11, 2019, and July 18, 2019**, which bids were due on or before **1:00 o'clock P.M. on Friday, July 26, 2019**, at which time all bids were publicly opened and immediately tabulated and filed for public inspection with the Clerk of Council; and

WHEREAS, Council received the tabulation of the bids at a Public meeting held on **August 5, 2019**, at which time Council adopted **Ordinance No. 2019-** approving the bid of the Contractor to be the lowest and best bid ("Bid") and awarding this contract ("Contract").

WITNESSETH, that in consideration of the Contractor being recommended by the Public Works Director and chosen by the City, and for the money considerations provided herein, the parties covenant and agree as follows:

1. Based upon the recommendation of the Public Works Director, and as approved by City Council, the Mayor is authorized to enter into this Contract for the 2019 Concrete Patching Project with the Contractor, in an amount not to exceed, One Hundred Thousand Dollars and No/Cents (\$100,000.00).

2. The Contractor shall provide labor and materials for the 2019 Concrete Patching Project as submitted in its bid proposal and in accordance with the City's specifications. Before commencing any work, Contractor shall submit an action plan for approval by the Beachwood Police Department showing the means the Contractor will use to comply with the Supervision and Safety requirements contained in the specifications. All work shall be completed in accordance with a time schedule approved by the Public Works Director.

3. The Contractor shall furnish the Public Works Director and City Finance Director with a record of services rendered monthly, not later than five (5) days following the end of each month of the activity on forms approved by the Finance Director.

4. The Contractor is an independent contractor, having discretion over the means, methods and details of the services to be performed consistent with the overall goals and policies of the Public Works Department of the City of Beachwood, and shall provide all equipment, materials and labor necessary to perform the services. Contractor shall provide any necessary training of its employees. Contractor shall be responsible for arranging for Workers' Compensation coverage or equivalent for its employees, and shall deliver to the City a copy of a certificate showing compliance with such laws and shall comply with all laws applicable in the City of Beachwood or the State of Ohio. Contractor shall be responsible for verifying that the most current wage rates are utilized and for any changes in the prevailing wage rates or classifications throughout its performance of this Contract.

5. The City shall be entitled to cancel this Contract upon giving a five (5) days written notice to the Contractor for failure of the Contractor to comply with any of the provisions of this Contract or to furnish satisfactory work in connection with the required services. The City shall be entitled to terminate this Contract immediately upon a determination by the Public Works Director or Safety Director of the City that any act or omission arising from the work jeopardizes the safety or health of any person. The Contractor shall perform all work in accordance with all Federal, State and local laws and regulations governing such services. The Contractor shall operate during times approved and specified by the City.

6. Contractor shall provide labor and materials for the 2019 Concrete Patching Project without any sub-contractors and will provide proper supervision and supervisory personnel in connection therewith.

7. Contractor shall furnish the City with evidence of general liability insurance from a company licensed by the State of Ohio in the amount of One Million Dollars (\$1,000,000.00) for any accidental occurrence arising out of any act or omission by the Contractor which causes bodily harm or property damage, and shall cause the City to be named as an additional insured on the policy. Contractor agrees to fully defend, indemnify and hold the City harmless from any and all claims, demands or causes of action for personal injury, property damage or otherwise arising from the services provided under this Contract, and whether involving employee claims or third party claims.

8. Ohio law prohibits any state agency or political subdivision from awarding a Contract, in excess of Twenty-Five Thousand Dollars (\$25,000.00), for goods, services, or construction to any person against whom a finding of recovery has been issued by the Auditor of State, if that finding is unresolved. Contractor certifies that an unresolved finding for recovery has not been issued against Contractor and attached is a completed Findings For Recovery Certification.

9. This Contract consists of this instrument and the component parts all of which are incorporated herein by reference as if fully rewritten, numbered and signed by the parties. Such documents, unless waived in writing by the Law Director, shall include, but are not limited to, plans and drawings, specifications, warranties, the performance bond approved by the City Law Director, proof of satisfactory liability insurance, proof of Workers' Compensation coverage in accordance with the laws of Ohio, the laws of the City of Beachwood, copies of advertisement, bid tabulations and purchase orders.

10. It shall be the responsibility of Contractor to obtain a copy of the purchase order issued by the City for the approved amount of this Contract. Furthermore, it shall be the responsibility of the Contractor to track remaining funds available and to not invoice the City for any amounts not approved by the terms of this Contract. Any alterations to this Contract shall conform to BCO 121.09(a). Invoices that exceed the approved amount of this Contract will not be paid by the City.

11. In the event of dispute, the Contractor first shall be required to and shall have the right to appeal directly to the Council of the City of Beachwood, and a decision by Council shall be a condition precedent to the institution of any litigation in a court of competent jurisdiction. Any legal action arising out of this Contract shall be brought only in a court of competent jurisdiction sitting in Cuyahoga County, Ohio.

12. This Contract may be executed by electronic mail, facsimile and in counterparts, each of which shall be deemed an original and all of which shall be deemed to be one and the same instrument.

13. Contractor acknowledges that no modifications can be made to this Contract without prior written action and approval by the Mayor and City Council.

14. This Contract represents the entire agreement between the parties, will be governed by the laws of the State of Ohio, and shall be binding upon both parties. This Contract cannot be assigned by the Contractor without the prior written permission of the City.

IN WITNESS WHEREOF, the parties have set their hand to this Contract on the dates next to their respective signatures.

TRI-MOR, CORP.

CITY OF BEACHWOOD

By: _____

By: _____

Martin S. Horwitz, Mayor

Title: _____

Date: _____

Date: _____

Approved as to form:

Diane A. Calta
Director of Law
Nathalie E. Supler
Assistant Law Director
25325 Fairmount Boulevard
Beachwood, Ohio 44122
216-595-5462
Date: _____

FINDINGS FOR RECOVERY CERTIFICATION

I am aware that Ohio law, under certain circumstances, prohibits a political subdivision from awarding a Contract for goods, services or construction to any person against whom a finding of recovery has been issued by the Auditor of State, if that finding is unresolved. I hereby certify that an unresolved finding for recovery has not been issued against Tri-Mor, Corp.

SIGNATURE

PRINTED NAME

TITLE

DATE

CERTIFICATE OF THE DIRECTOR OF FINANCE

To the Mayor/Director of Public Safety:

I hereby certify that the amount required to meet the City's obligations under this Contract has been lawfully appropriated and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.

Larry Heiser

Director of Finance

Date: _____

CITY OF BEACHWOOD

INTER-OFFICE COMMUNICATION

TO: Martin Horwitz, Mayor

FROM: Chris Arrietta, Public Works Director

DATE: 7/18/2019

SUBJECT: An Ordinance authorizing the Mayor to purchase two (2) Bobcat Compact Track Loaders for the City of Beachwood, Ohio Public Works Department from Clark Equipment Company DBA Bobcat Company, authorizing the Trade-in of two (2) surplus PT 60 ASVs and one (1) Quick Attach 300 Hammer to offset a portion of the cost of the new purchase, further waiving competitive bidding; and declaring this to be an urgent measure

Mayor,

As part of the 2019 Capital Equipment Budget, the Public Works Department would like to purchase (2) T450 T4 Bobcat Compact Track Loaders to replace units #41 and #44.

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE TWO (2) BOBCAT COMPACT TRACK LOADERS FOR THE CITY OF BEACHWOOD, OHIO PUBLIC WORKS DEPARTMENT FROM CLARK EQUIPMENT COMPANY DBA BOBCAT COMPANY, AUTHORIZING THE TRADE-IN OF TWO (2) SURPLUS PT 60 ASVS AND ONE (1) QUICK ATTACH 300 HAMMER TO OFFSET A PORTION OF THE COST OF THE NEW PURCHASE, FURTHER WAIVING COMPETITIVE BIDDING; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Council, by prior legislation, has authorized the Mayor to enter into purchase orders with suppliers of products and/or services from a list prepared by the State of Ohio, after the State received competitive bid contracts with such suppliers in accordance with the State laws permitting its political subdivisions to also take advantage of lower costs than municipalities would otherwise experience; and

WHEREAS, the Public Works Director has determined that two (2) PT 60 ASVs and one (1) Quick Attach 300 Hammer are no longer needed for use in the City's Public Works Department or for any other public use in the City and desires to authorize the vehicles as surplus and to be traded in to offset the purchase of two (2) new Bobcat Compact Track Loaders; and

WHEREAS, the Public Works Director has requested permission to purchase two (2) Compact Track Loaders for the Public Works Department from Clark Equipment Company DBA Bobcat Company in an amount not to exceed Sixty Eight Thousand Seven Hundred Sixty Six Dollars and Twenty Eight Cents (\$68,766.28), which includes the trade-in of two (2) PT 60 ASVs and one (1) Quick Attach 300 Hammer valued at Fourteen Thousand Five Hundred Dollars and No/Cents (\$14,500.00). The State has already completed competitive bidding requirements for these items.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga , and State of Ohio, that:

Section 1: The Mayor is hereby authorized and directed to purchase two (2) Compact Track Loaders for the Public Works Department from Clark Equipment Company DBA Bobcat Company in an amount not to exceed Sixty Eight Thousand Seven Hundred Sixty Six Dollars and Twenty Eight Cents (\$68,766.28) and further waiving competitive bidding.

Section 2: In accordance with BCO 131.03(a) and ORC 721.15(B), and based upon the recommendation of the Public Works Director, the Mayor has determined that two (2) PT 60 ASV and one (1) Quick Attach 300 Hammer are surplus property no longer needed for a public use. Furthermore, Council authorizes the Mayor to trade-in the two (2) PT 60 ASVs and one (1) Quick Attach 300 Hammer valued at Fourteen Thousand Five Hundred and No/Cents (\$14,500.00) to offset the purchase of the two (2) Compact Track Loaders.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is declared to be an urgent measure immediately necessary for the preservation of the public peace, health or safety or the efficient operation of the City, and for the further reason it is necessary to purchase these vehicles at the earliest time to ensure the efficient and safe operations of the Public Works Department; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 5th day of August, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019, and filed it with the Clerk.

Mayor

**BEACHWOOD SERVICE DEPARTMENT
INTER-OFFICE MEMORANDUM**

TO: Chris Arrietta, Service Director, Mark Lopez, Assistant Service Director

FR: Daniel Cicchella, Superintendent of Vehicle Maintenance

DT: June 26th, 2019

RE: Capital Equipment Purchase

Chris,

Attached for your review is the purchase of two (2) T450 T4 Bobcat Compact Track Loaders to replace units 41 and 44. With the trade in of 41, 44 and quick attach hammer (serial #1015474), the total cost will be \$68,766.28 on Ohio State Contract STS515W, #800704.

DC/br



Bobcat

Product Quotation

Quotation Number: 23858D029118

Date: 2019-06-26 13:16:14

Customer Name/Address:	Bobcat Delivering Dealer	ORDER TO BE PLACED WITH: Contract Holder/Manufacturer
City of Beachwood Attn: Dan Cicchella 23355 Mercantile Beachwood, OH 44122 Phone: (216) 292-1495 Fax: (216) 595-3713	Bobcat of Cleveland, Bedford Heights, OH 5095 TAYLOR ROAD BEDFORD HEIGHTS OH 44128 Phone: (216) 663-9380 Fax: (216) 663-9385	Clark Equipment Company dba Bobcat Company PO Box 6000, 250 E. Beaton Dr West Fargo, ND 58078 Phone: 701-241-8719 Fax: 701-280-7860 Contact: Heather Messmer Heather.Messmer@doosan.com

Description	Part No	Qty	Price Ea.	Total	
T450 T4 Bobcat Compact Track Loader	M0207	2	\$33,399.10	\$66,798.20	
61.0 HP Tier 4 Turbo Diesel Engine	Lights, Front & Rear				
Auxiliary Hydraulics: Variable Flow	Operator Cab				
Backup Alarm	<ul style="list-style-type: none">Includes: Adjustable Suspension Seat, Top & Rear Windows, Parking Brake, Seat Bar & Seat Belt				
Bob-Tach	<ul style="list-style-type: none">Roll Over Protective Structure (ROPS) meets SAE-J1040 & ISO 3471				
Bobcat Interlock Control System (BICS)	<ul style="list-style-type: none">Falling Object Protective Structure (FOPS) meets SAE-J1043 & ISO 3449, Level I; (Level II is available through Bobcat Parts)				
Controls: Bobcat Standard	Parking Brake: Spring Applied, Pressure Released (SAPR)				
Engine/Hydraulic Systems Shutdown	Solid Mounted Carriage with 3 Rollers				
Glow Plugs (Automatically Activated)	Spark Arrestor Exhaust System				
Horn	Tracks: Rubber, 11.8" Wide				
Instrumentation: Engine Temperature & Fuel	Warranty: 2 years, or 2000 hours whichever occurs first				
Gauges, Hourmeter, RPM and Warning Lights					
Lift Arm Support					
Lift Path: Radius					
Factory Installed	A81 Option Package	M0207-P01-A81	2	\$5,963.30	\$11,926.60
Cab enclosure with Heat and AC	Sound Reduction				
Deluxe Instrument Panel	Suspension Seat				
Keyless Start	Attachment Control Kit				
Power Bob-Tach	Cab Accessories Package				
Two Speed Travel					
	Selectable Joystick Controls	M0207-R01-C04	2	\$556.50	\$1,113.00
Dealer Installed	Strobe Light Kit, Amber	7129301	2	\$326.10	\$652.20
	Radio Kit	6988435	2	\$604.14	\$1,208.28
Description	Part No	Qty	Price Ea.	Total	
Bar Lug Track In Lieu of Base Equipment	7024982	4	\$392.00	\$1,568.00	

Total of Items Quoted		\$83,266.28
Trade-in	PT 60 ASV Trade In Serial # PTE02674, Unit #44, without bucket	(\$12,500.00)
Trade-in	PT 60 ASV Trade In Serial # PTE02673, Unit #41 Has Drive Issue, without bucket	(\$1,500.00)
Trade-in	Quick Attach 300 Breaker Serial # 1015474	(\$500.00)
Quote Total - US dollars		\$68,766.28

Notes:

***Prices per the Ohio State STS515W, #800704. Contract Period: May 1, 2019 through June 30, 2020**
***Agencies must be members of the Coop to purchase off contract.**
***Terms Net 30 Days. Credit cards accepted.**
***FOB: Destination within the 48 Contiguous States.**
***Delivery: 60 to 90 days from ARO.**
***State Sales Taxes will apply. IF Tax Exempt, please include Tax Exempt Certificate with order.**
***TID# 38-05425350**
***Orders Must be Placed With: Clark Equipment Company dba Bobcat Company, Govt Sales, 250 E Beaton Dr, PO Box 6000, West Fargo, ND 58078.**

Prices & Specifications are subject to change. Please call before placing an order. Applies to factory ordered units only.

ORDER ACCEPTED BY:

SIGNATURE

DATED

PRINT NAME AND TITLE

PURCHASE ORDER #

SHIP TO ADDRESS: _____

BILL TO ADDRESS (if different than Ship To): _____



CITY OF BEACHWOOD

INTER-OFFICE MEMORANDUM

TO: Mayor Martin Horwitz
FROM: Chief Gary Haba
DATE: 23 July 2019
SUBJECT: COB 618.12 Amendment

As a result of citizen complaints to both the administration and members of city council, the law director, city prosecutor and I have conducted research and recommend the attached changes to Beachwood Codified Ordinance 618.12 Nuisance Conditions Prohibited.

Basically, the changes address the problem of individuals feeding and harboring wild animals and stray domesticated animals. Complaints have been received regarding the feeding of coyotes, deer, raccoons and stray cats in recent months. Complainants are concerned that the individuals inviting the animals to the residential areas produce unsanitary, disruptive and potentially dangerous conditions to both humans and pets. We believe these concerns are warranted. The proposed changes will make feeding and harboring such animals a violation and also permits civil relief for the city should that become necessary.

I respectfully request that the amended ordinance be placed on the next available council agenda for approval. Please contact Ms. Calta, Mrs. Supler or I with any questions or concerns.

INTRODUCED BY:

ORDINANCE NO. 2019-94

AN ORDINANCE AMENDING SECTION 618.12, "NUISANCE CONDITIONS PROHIBITED." OF THE CODIFIED ORDINANCES OF THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the Police Chief wishes to amend BCO Section 618.12 "Nuisance Conditions Prohibited."

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Existing Section 618.12, "Nuisance Conditions Prohibited" of the Codified Ordinances of the City of Beachwood, Ohio, be and the same is hereby amended to read and provide, as follows (new language in **bold**):

"618.12 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as hereinafter defined.

(b) Any animal which by biting or frequent or habitual barking, howling or yelping which constitutes a violation(s) of Section [618.07](#), or which in any way or manner injures or disturbs the quiet of any person or the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. It shall be unlawful for any owner, keeper or harborer of such animal to harbor or permit it to commit such nuisance.

(c) Any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or other public or private property, other than the property of the owner, keeper or harborer of such animal, is hereby declared to be a nuisance.

(d) No person, being the owner, keeper or harborer of any animal shall allow or permit such animal to commit a nuisance upon any school grounds, City park or other public property, or upon any private property other than that of the owner, keeper or harborer of such animal, without the permission of the owner of such property. Where the owner, keeper or harborer of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.

(e) No person, being an owner, tenant, agent, occupant, or person in control of any property, shall cause or knowingly permit a nuisance by providing food for or feeding any stray dog, cat or other wildlife, including but not limited to, birds, water fowl, raccoons, opossums, skunks, rabbits, deer, and coyotes whether or not it creates an unsanitary condition; cause inconvenience, discomfort, or damage to another; or endanger the comfort, repose, health, or safety of others; or in any way render other persons insecure in life or in the use of their property.

- (1) This section does not apply to song birds fed from a stationary and off-ground/hanging bird feeder.
- (2) This section shall not apply to a law enforcement officer, game officer or conservation officer enforcing the laws of the State of Ohio, or any local ordinances, nor to anyone officially authorized by the City to engage in an animal control program, including, without limitation, a feral cat Trap-Neuter- Vaccinate-Return Program or similar program.
- (3) The City may also initiate a civil action in an appropriate court for injunctive and other relief for a violation of this section.”

Section 2: Any other Ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict and all Ordinances not amended by this Ordinance shall remain in full force and effect.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is hereby declared to be an urgent measure immediately necessary for the preservation of the public peace, health or safety, or the efficient operation of the City, and for the further reason that it is necessary to implement the new language at the earliest possible time; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 5th day of August, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019, and filed it with the Clerk.

Mayor

CITY OF BEACHWOOD

INTER-OFFICE MEMORANDUM

TO: Mayor Martin Horwitz
FROM: Chief Gary Haba 
DATE: 10 July 2019
SUBJECT: Undercover Vehicles

City Council authorized \$50,000 in the 2019 budget for undercover vehicles. As you may recall from the budget discussions last year, our undercover vehicle management was mishandled years ago, leaving us with vehicles that are 11 years old and have limited trade-in or other value. The goal is to purchase decent used vehicles for this purpose and exchange them every couple of years for obvious tactical reasons and to avoid having them decrease in value to a point where we are making significant expenditures to get new vehicles.

There is no state contract pricing for used vehicles, but we can use the standard values listed in the NADA guide, Kelly Blue Book and Edmunds to ensure that the city is paying at or less than what a vehicle is valued at. Mr. Heiser will approve any such transaction to ensure it is in compliance. Capt. Korinek has explored options and has had recent success with Bedford Nissan, since they have certified vehicles which will work for our purposes and have provided satisfactory pricing and trade-in value for one of our current vehicles.

Since no car dealership will hold vehicles for a month, I cannot provide specific vehicle information at this time. But two appropriate currently-stocked vehicles were priced and with trading in one of our current vehicles, we are looking at spending in the area of \$30,000, which is significantly less than the budgeted amount of \$50,000.

I respectfully request that council be asked to approve an expenditure not to exceed \$35,000 to Bedford Nissan on the 8/5/2019 council agenda. Again, Mr. Heiser will approve the details of the transaction, and he is supportive of this request. Please contact me with any questions or concerns.

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE TWO (2) VEHICLES FOR THE CITY OF BEACHWOOD, OHIO POLICE DEPARTMENT FROM BEDFORD NISSAN, INC., AUTHORIZING THE TRADE-IN OF A SURPLUS VEHICLE TO OFFSET A PORTION OF THE COST OF THE NEW PURCHASE; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the Chief of Police has determined that one (1) 2007 Honda Pilot is no longer needed for use in the City's Police Department or for any other public use in the City and desires to authorize the vehicle to be traded in to offset the purchase of two (2) new vehicles; and

WHEREAS, the Chief of Police has requested permission to purchase two (2) vehicles for the Police Department from Bedford Nissan, Inc. in an amount not to exceed Thirty Five Thousand Dollars and No/Cents (\$35,000.00), exclusive of the trade-in of one (1) 2007 Honda Pilot valued at Six Thousand Five Hundred Dollars and No/Cents (\$6,500.00).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga , and State of Ohio, that:

Section 1: The Mayor is hereby authorized and directed to purchase two (2) vehicles for the Police Department from Bedford Nissan, Inc. in an amount not to exceed Thirty Five Thousand Dollars and No/Cents (\$35,000.00).

Section 2: In accordance with BCO 131.03(a) and ORC 721.15(B), and based upon the recommendation of the Police Chief, the Mayor has determined that one (1) 2007 Honda Pilot is surplus property no longer needed for a public use. Furthermore, Council authorizes the Mayor to trade-in the 2007 Honda Pilot valued at Six Thousand Five Hundred and No/Cents (\$6,500.00) to offset the purchase of the two (2) vehicles.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is declared to be an urgent measure immediately necessary for the preservation of the public peace, health or safety or the efficient operation of the City, and for the further reason it is necessary to purchase these vehicles at the earliest time to ensure the efficient and safe operations of the Police Department; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 5th day of August, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of August, 2019.

Clerk

Approval: I have approved this legislation this 6th day of August, 2019, and filed it with the Clerk.

Mayor

BEDFORD NISSAN, INC.



RETAIL ORDER FOR A MOTOR VEHICLE

BEDFORD NISSAN
18115 ROCKS DE RD
BEDFORD OH 44146
(440) 439-5785

NEW AND USED
CAR SALES
LEASE AND RETAIL
bedfordnissan.com

PURCHASER Beachwood police Dept

STREET ADDRESS 25325 Fairmount Blvd

CITY Beachwood

STATE & ZIP OH 44122

RES. PHONE (216) 464-1070

BUS. PHONE (216) 464-1070

SALESPERSON Sherri Greene

MO. DAY YR

DRIVER'S LICENSE NO.

EMAIL ADDRESS

DATE OF BIRTH

SOURCE Phone Up

INSURANCE COMPANY

POLICY NO.

AGENT:

AGENT PHONE NO.

NEW ☐ USED ☐ DEMO ☐ RENTAL ☐

YR

MAKE

BODY TYPE

SUV

COLOR

Magnetic Black

TRIM

SERIAL NO.

STOCK NO.

10848

LEASE ☐

RETAIL ☐

DELIVERY DATE

ODOMETER MILEAGE 38581

☐ ODOMETER MILEAGE IS ACCURATE ☐ ODOMETER MILEAGE IS NOT ACCURATE

APPRAISALS ARE FIRM
FOR ONLY 7 DAYS FROM
DATE OF THIS CONTRACT

DEPOSIT (PARTIAL PAYMENT) RECEIPT

Purchaser hereby provides to the Dealer the sum of \$ _____ as a Non-Refundable Deposit for the vehicle described above. If this Receipt is for a Deposit, Dealer will refrain from selling the described vehicle for _____ days from the date of Deposit.

X

NEGATIVE EQUITY:

I am aware the balance owed on my trade-in/lease turn-in vehicle exceeds the allowance from Dealer and, as a result, I have requested that \$ _____ from my trade-in/lease turn-in be included in the total cash price of the vehicle.

X

DESCRIPTION OF TRADE

YR 2007 MAKE Honda MODEL Pilot

SERIAL #

MILEAGE 49000

COLOR Blue

BAL. OWED

GOOD TIL

\$

ACCT #

LENDER

THIS VEHICLE IS SOLD AS EQUIPPED WITH NOTHING DUE. X

INITIAL

TOTAL CASH PRICE OF VEHICLE

\$17,850.00

DOCUMENTARY FEE

\$250.00

EXTENDED SERVICE CONTRACT

SUBTOTAL

\$18,000.00

TRADE IN VALUE

\$6,500.00

LESS PAYOFF

()

NET TRADE IN

\$6,500.00

RECEIPT #

\$0.00

RECEIPT #

REBATE

TOTAL DOWN PAYMENT

\$6,500.00

TOTAL CASH PRICE

NOTE: ANY FINANCE CHARGES ARE LISTED IN THE FINANCE DOCUMENTS

\$18,043.50

TOTAL DOWN PAYMENT

\$6,500.00

CASH BALANCE DUE AT DELIVERY

\$11,543.50

WARRANTY

TERMS:

☐ Manufacturer's New Car Warranty

☐ Balance of Manufacturer's New Car Warranty

☐ Used Vehicle Sold "AS IS" No Warranty Expressed or Implied

THE SPECIFIC TERMS OF THE ABOVE WARRANTY ARE OUTLINED IN A SEPARATE DOCUMENT THE RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED BY THE PURCHASER AT DELIVERY

X

INITIAL

ALL WARRANTIES, IF ANY, BY A MANUFACTURER OR SUPPLIER OTHER THAN DEALER ARE THEIRS, NOT DEALERS, AND ONLY SUCH MANUFACTURER OR OTHER SUPPLIER SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES, UNLESS DEALER FURNISHES PURCHASER WITH A SEPARATE WRITTEN WARRANTY OR SERVICE CONTRACT MADE BY DEALER ON ITS OWN BEHALF. DEALER HEREBY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IN CONNECTION WITH THE VEHICLE AND ANY RELATED PRODUCTS AND SERVICES SOLD BY DEALER. DEALER NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF THE VEHICLE AND THE RELATED PRODUCTS AND SERVICES. IN THE EVENT THAT A WRITTEN WARRANTY IS PROVIDED BY DEALER OR A SERVICES CONTRACT IS SOLD BY DEALER ON ITS OWN BEHALF, ANY IMPLIED WARRANTIES ARE LIMITED IN DURATION TO THE TERM OF THE WRITTEN WARRANTY/SERVICE CONTRACT.

If the purchase of the motor vehicle described herein is to be financed, all disclosures required by Revised Regulation Z, Truth-in-Lending Simplification Act, will be made by the lending institution (creditor) to the purchaser at the time purchaser is to be contractually obligated on the credit transaction. If the purchase of the motor vehicle described herein is to be financed, the Annual Percentage Rate (APR) may be negotiated with the dealership and the dealership may receive a fee, commission, or other compensation for providing, procuring, or arranging financing.

NO ORAL REPRESENTATIONS HAVE BEEN MADE TO THE PURCHASER and all terms of the agreement are printed or written front and back. I understand this order requires the acceptance of the dealer or his authorized agent.

CONTRACTUAL DISCLOSURE STATEMENT (USED VEHICLES ONLY) THE INFORMATION YOU SEE ON THE WINDOW FORM FOR THIS VEHICLE IS PART OF THIS CONTRACT. INFORMATION ON THE WINDOW FORM OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE. GUÍA PARA COMPRADORES DE VEHÍCULOS USADOS. LA INFORMACIÓN QUE VE EN EL FORMULARIO DE LA VENTANILLA PARA ESTE VEHÍCULO FORMA PARTE DEL PRESENTE CONTRATO. LA INFORMACIÓN DEL FORMULARIO DE LA VENTANILLA DEJA SIN EFECTO TODA DISPOSICIÓN EN CONTRARIO CONTENIDA EN EL CONTRATO DE VENTA. Not binding unless accepted by seller and credit is approved, if applicable, by financial institution. See Spot/Conditional Delivery Agreement fully incorporated herein.

This motor vehicle contract is executed this _____ day of _____

PURCHASER(S) _____

SALESPERSON _____

ACCEPTED BY AUTHORIZED AGENT

Page 168 of 170



NADAguides Value Report 7/9/2019

2016 Nissan Rogue

Utility 4D SL AWD I4

Values

	Rough Trade-In	Average Trade-In	Clean Trade-In	Clean Retail
Base Price	\$14,650	\$15,975	\$17,050	\$19,675
Mileage (38,000)	\$850	\$850	\$850	\$850
Total Base Price	\$15,500	\$16,825	\$17,900	\$20,525
Options (change)				
Luggage Rack	\$50	\$50	\$50	\$75
Blind Spot Monitor	\$125	\$125	\$125	\$150
Price + Options	\$15,675	\$17,000	\$18,075	\$20,750
Certified Pre-Owned (CPO)				+\$1,050
Certified Price with Options				\$21,800

Rough Trade-In - Rough Trade-in values reflect a vehicle in rough condition. Meaning a vehicle with significant mechanical defects requiring repairs in order to restore reasonable running condition. Paint, body and wheel surfaces have considerable damage to their finish, which may include dull or faded (oxidized) paint, small to medium size dents, frame damage, rust or obvious signs of previous repairs. Interior reflects above average wear with inoperable equipment, damaged or missing trim and heavily soiled /permanent imperfections on the headliner, carpet, and upholstery. Vehicle may have a branded title and un-true mileage. Vehicle will need substantial reconditioning and repair to be made ready for resale. Some existing issues may be difficult to restore. Because individual vehicle condition varies greatly, users of NADAguides.com may need to make independent adjustments for actual vehicle condition.

Average Trade-In - The Average Trade-In values on nadaguides.com are meant to reflect a vehicle in average condition. A vehicle that is mechanically sound but may require some repairs/servicing to pass all necessary inspections; Paint, body and wheel surfaces have moderate imperfections and an average finish and shine which can be improved with restorative repair; Interior reflects some soiling and wear in relation to vehicle age, with all equipment operable or requiring minimal effort to make operable; Clean title history; Vehicle will need a fair degree of reconditioning to be made ready for resale. Because individual vehicle condition varies greatly, users of nadaguides.com may need to make independent adjustments for actual vehicle condition.

Clean Trade-In - Clean Trade-In values reflect a vehicle in clean condition. This means a vehicle with no mechanical defects and passes all necessary inspections with ease. Paint, body and wheels have minor surface scratching with a high gloss finish and shine. Interior reflects minimal soiling and wear with all equipment in complete working order. Vehicle has a clean title history. Vehicle will need minimal reconditioning to be made ready for resale. Because individual vehicle condition varies greatly, users of NADAguides.com may need to make independent adjustments for actual vehicle condition.

Clean Retail - Clean Retail values reflect a vehicle in clean condition. This means a vehicle with no mechanical defects and passes all necessary inspections with ease. Paint, body and wheels have minor surface scratching with a high gloss finish and shine. Interior reflects minimal soiling and wear with all equipment in complete working order. Vehicle has a clean title history. Because individual vehicle condition varies greatly, users of NADAguides.com may need to make independent adjustments for actual vehicle condition. Note: Vehicles with low mileage that are in exceptionally good condition and/or include a manufacturer certification can be worth a significantly higher value than the Clean Retail price shown.



Department
of Commerce

Division of Liquor Control

Mike DeWine, Governor
Sheryl Maxfield, Director

NOTICE TO LEGISLATIVE AUTHORITIES
Objections to Renewal of a Liquor Permit

18-022

JULY 10, 2019

CLERK OF BEACHWOOD CITY COUNCIL
2700 RICHMOND ROAD
BEACHWOOD OHIO 44122

Dear Clerk of Legislative Authority:

This is notice that all permits to sell alcoholic beverages in your political subdivision will expire on **October 1, 2019**. In order to maintain permit privileges, every permit holder must file a renewal application.

Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. The hearing may be held in the county seat of the county in which the permit premises is located if that request is made in writing. This will be your only opportunity to object to the renewal of a liquor permit premises which might be a problem in your community.

In order to register a valid objection with the Division of Liquor Control and request a hearing, the legislative authority must pass a resolution that specifies the problems at the liquor permit premises and the legal grounds for the objection as set forth in Ohio Revised Code Section 4303.292(A). It is suggested that a separate resolution be passed for each permit premises. The Chief Legal Officer of your political subdivision must also submit a statement with the resolution that, in the Chief Legal Officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.292(A). The resolution and Chief Legal Officer's statement must be addressed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than September 3, 2019.

For your convenience, you may access our brochure entitled "[How to Object to the Issuance or Renewal of a Liquor Permit](#)" from our website at www.com.ohio.gov/liqr Under "Licensing" click on "Renewals" and under that mega menu please select the link "Object to the Issuance or Renewal of a Liquor Permit".

You may wish to contact the law enforcement agency for your jurisdiction to determine if it has any information which will aid in your decision whether or not to object and request a hearing. For your convenience you may obtain a [list of issued permit holders](#) in your jurisdiction from our website at the above link. Under "Liquor Control" click on "Look it up" and under that mega menu please select "Search Permit Holders" "Permit Applicant / Holder Information (types and status)". You will then enter the search criteria for your county / city / township to bring up the issued permits in your jurisdiction. If you do not have access to the internet, you may request a list from us by writing the Division at the below address.

If you determine that there are no permit premises within your jurisdiction that you wish to object to, you do not need to take any action. The renewal applications for those premises will be submitted by the permit holders and will be processed by the Division and issued as appropriate.

If you have any questions, please contact the Legal Section at (614) 644-2489.

Very truly yours,

Cassandra L. Hicks
Deputy Superintendent & Chief Of Licensing