

CITY OF *Beachwood*

Beachwood City Council Meeting
Monday, January 8, 2024, 7:00 PM
at Beachwood City Hall, Council Chambers,
25325 Fairmount Boulevard, Beachwood, Ohio 44122

Agenda **AMENDED**

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

1. Roll Call
2. Motion to Elect the Council President
Motion to Elect the Council Vice-President
Administration of the Oath of Office by Mayor Justin Berns to:
Council President
Council Vice-President
3. **Administration of the Oath of Office by Honorable Michael J. Ryan, Judge, Ohio**
Eighth District Court of Appeals to:
Councilwoman June E. Taylor
4. **Administration of the Oath of Office by Mr. Bill Wexler to:**
Councilwoman Danielle Shoykhet
5. **Administration of the Oath of Office by Ms. Halle DeLong, Esq. to:**
Councilwoman Jillian DeLong
6. **Administration of the Oath of Office by Mr. James Pasch, Esq. to:**
Councilwoman Ali Stern
7. **Administration of the Oath of Office by Mayor Justin Berns to:**
Police Patrol Officer Joseph Sirna
8. Reports
 - a. Mayor
 - b. Council Member (non-agenda items)
 - c. Department Directors
9. **Presentation by the Beachwood Marketing Junior Achievement Program**

10. Citizen's Remarks (**City Council limits Citizen's Remarks to five (5) minutes each for a maximum of thirty (30) minutes unless so extended at the discretion of the President or a majority of Council per Council Rules of Procedure, Section 7, Rule 7.2)**)

11. Approval of Minutes (Consent Agenda)
Regular City Council Meeting held on December 18, 2023

Old Business

Public Hearing

Proposed Ordinance Number 2023-102, An Ordinance Amending Chapter 1121 titled "U-4 Integrated Business District" and Chapter 1101 titled "Definitions", of the City of Beachwood, Ohio Planning and Zoning Code

**Placed on First Reading and Referred to the Planning & Zoning Commission:
October 2, 2023**

Placed on Second Reading and Referred to Public Hearing: November 6, 2023

2023-144

An Ordinance Accepting the Planning and Zoning Commission's Recommendations of Approval of a Preliminary Site Plan Approval and Approval of a Conditional Use Permit to allow Multi Family Residential Apartments above the First Floor of the Building located at 23240 Chagrin Boulevard; and declaring this to be an urgent measure

Placed on First Reading and Tabled: December 18, 2023

New Business

Ordinances

2024-16

An Ordinance appointing the Law Firm of Roetzel & Andress LPA and Attorney R. Todd Hunt as Interim Law Director for the City of Beachwood, Ohio; and declaring this to be an urgent measure

Consent Agenda for City Staff Appointments

2024-1

An Ordinance appointing Harvey S. Rose as Audit Director for the City of Beachwood, Ohio; and declaring this to be an urgent measure

2024-2

An Ordinance appointing Nathalie E. Supler as Assistant Law Director/Prosecutor for the City of Beachwood, Ohio; and declaring this to be an urgent measure

2024-3

An Ordinance appointing Matthew A. Kurz as Assistant Law Director/Associate Counsel for the City of Beachwood, Ohio; and declaring this to be an urgent measure

2024-4

An Ordinance appointing Whitney M. Crook as Clerk of Council for the City of Beachwood, Ohio;
And declaring this to be an urgent measure

2024-5

An Ordinance appointing Veronica Muth as an Assistant Clerk of Council for the City of Beachwood, Ohio; and declaring this to be an urgent measure

2024-6

An Ordinance appointing Alison Ingham-Smith as an Assistant Clerk of Council for the City of Beachwood, Ohio; and declaring this to be an urgent measure

Administration of the Oath of Office by Council President to:

Harvey S. Rose, Audit Director
Nathalie E. Supler, Assistant Law Director
Matthew A. Kurz, Assistant Law Director
Whitney M. Crook, Clerk of Council

Consent Agenda for Boards and Commissions Appointments

2024-7

An Ordinance confirming the appointment of Bryan P. Zabell as Chairman of the Planning and Zoning Commission for the City of Beachwood, Ohio; and declaring this to be an urgent measure

2024-8

An Ordinance confirming the appointment of Ayonna Blue Donald as a member of the Planning and Zoning Commission, District 3 for the City of Beachwood, Ohio; and declaring this to be an urgent measure

2024-9

An Ordinance confirming the appointment of Jeffrey Shoykhet as a member at-large of the Planning and Zoning Commission for the City of Beachwood, Ohio; and declaring this to be an urgent measure

2024-10

An Ordinance confirming the re-appointment of Mary Ann Pellerano Fletcher as a Member of the City of Beachwood, Ohio Architectural Board of Review; and declaring this to be an urgent measure

Administration of the Oath of Office by Mayor Berns to:

Bryan P. Zabell, Chairman, Planning and Zoning Commission
Ayonna Blue Donald, Member, Planning and Zoning Commission
Jeffrey Shoykhet, Member, Planning and Zoning Commission
Mary Ann Pellerano Fletcher, Member, Architectural Board of Review

Ordinances

2024-11

An Ordinance authorizing and directing the payment of Certain Claims (Bills) for Professional and Other Services; and declaring this to be an urgent measure

2024-12

An Ordinance authorizing an Emergency Purchase Order; and declaring this to be an urgent measure

2024-13

An Ordinance adopting a Moratorium on Applications for, and the Approval of, Zoning Reviews and Permits, Building Permits, Certificates of Occupancy, and Other Permits and Licenses for any Building, Structure, Use, or Change of Use that would enable the Cultivation, Processing, Distribution, or Sale of Adult Use Cannabis for a period not to exceed Six (6) Months in order to allow for the City to Review Applicable State and Local Laws; to Plan for Regulations relating to Such Uses; and declaring this to be an urgent measure

2024-14

An Ordinance authorizing the Mayor to enter into a Member Community Infrastructure Grant Program Agreement (MCIP) with the Northeast Ohio Regional Sewer District ("NEORS") for the Timberlane/Green Sanitary Relief Sewer Project Phase 1; and declaring this to be an urgent measure

2024-15

An Ordinance authorizing the Mayor to enter into an Agreement with Branden R. Burns, LLC to provide Pool Management through the 2024 Season for the City of Beachwood, Ohio Family Aquatic Center; and declaring this to be an urgent measure

Motions

A Motion Authorizing the Clerk of Council to advertise for Bids for the application of commercial coatings to the existing roofs at City Hall and Community Center per BCO 121.09 and ORC 7.16

A Motion Authorizing the Clerk of Council to advertise for Bids for the installation of a Rectangular Rapid Flash Beacon (RRFB) Unit per BCO 121.09 and ORC 7.16

Motion to Authorize the City Administration to initiate a qualification-based selection process for architectural services for the design, construction observation and/or management of various City public improvement projects, including but not limited to a park picnic shelter, a park restroom(s), and/or roof and window replacements for certain City buildings

Any other matters coming before City Council

Adjournment

Next Regular Council Meeting will be held on: January 22, 2024 at 7 PM in Council Chambers
For all updates regarding Council Meetings, please visit: www.BeachwoodOhio.com

**Council Members: Jillian DeLong, Alec Isaacson, Joshua Mintz, Danielle Shoykhet,
Ali B. Stern, Eric Synenberg, June E. Taylor
Clerk of Council: Whitney M. Crook**

Beachwood City Council Meeting Minutes
Monday, December 18, 2023, 7:00 PM
at Beachwood City Hall, Council Chambers,
25325 Fairmount Boulevard, Beachwood, Ohio 44122

Called to order at 7:00 PM by Council President Alec Isaacson

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

Agenda Items

1. Roll Call
Present – Mr. Burkons, Mr. Isaacson, Ms. Bellin Janovitz, Mr. Mintz, Mr. Synenberg, Ms. Taylor
Absent - Ms. Shoykhet
Others Present – Mayor Berns, Mr. Arrietta, Mr. Heiser, Mr. Hunt, Mr. Holtzman,
Ms. McLaughlin, Mr. Roenigk, Mr. Rose, Mr. Schroeder, Ms. Turick
2. Reports
 - a. Mayor

Mayor Berns wished everyone Happy Holidays and congratulated Traci Gallagher Bonvenuto for her promotion to Assistant Building Official and recognized Building Commissioner, Brian Roenigk for his recommendation of Ms. Gallagher Bonvenuto.
 - b. Council Member (non-agenda items)

Ms. Janovitz read prepared remarks regarding her time on Council.

Mr. Isaacson read prepared remarks from former Mayor Horwitz regarding Councilwoman Janovitz.

Mr. Synenberg made remark regarding Councilwoman Janovitz and Councilman Burkons.

Mr. Isaacson then made his closing remarks.

c. Department Directors

Mr. Schroeder discussed Summer Camp registration, the Winter Recreation Guide, February Freeze and seasonal hiring. Mr. Schroeder then thanked Ms. Janovitz.

Ms. Turick thanked Ms. Janovitz and then discussed upcoming changes to the Beachwood Buzz.

Mr. Arrietta thanked Ms. Janovitz.

Mr. Rose thanked Mr. Burkons and Ms. Janovitz.

Police Chief McLaughlin thanked Ms. Janovitz.

Mr. Heiser thanked Ms. Janovitz.

Fire Chief Holtzman thanked Mr. Burkons and Ms. Janovitz.

Mr. Roenigk thanked Ms. Janovitz.

3. Citizen's Remarks (City Council limits Citizen's Remarks to five (5) minutes each)

Shana Wallenstein

Ms. Wallenstein thanked Mr. Burkons for his time on City Council.

Matthew Hildebrand

Mr. Hildebrand thanked Mr. Burkons for his time on City Council.

Kyle Fishman

Mr. Fishman thanked the department Members of City Council and discussed the TIF Extension that was previously approved by Council.

James Pasch

Mr. Pasch gave remarks and thanked Mr. Burkons and Ms. Janovitz.

4. Approval of Minutes (Consent Agenda of):

Regular City Council Meeting held on December 4, 2023

Special City Council Meeting held on December 11, 2023

Finance and Insurance Committee Meeting held on November 20, 2023

Finance and Insurance Committee Meeting held on December 4, 2023

Moved by: A. Isaacson, Seconded by: J. Mintz

Voice Vote

On the Approval:

Yes: 6

No: 0

Abstain: 0

Not Voting: 0

MOTION ADOPTED

5. Committee of the Whole
Ordinance No. 2023-140
- An Ordinance accepting the proposed dates for Regular City Council Meetings for 2024; and declaring this to be an urgent measure
- Moved by: M. Burkons, Seconded by: J. Taylor
- Voice Vote**
- On the Suspension:**
Yes: 6
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED
- Voice Vote**
- On the Adoption:**
Yes: 6
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED
6. Finance & Insurance
Committee
Ordinance No. 2023-141
- 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: E. Synenberg
- Voice Vote**
- On the Suspension:**
Yes: 5 – Mr. Isaacson, Ms. Janovitz, Mr. Mintz,
Mr. Synenberg, Ms. Taylor
No: 1 – Mr. Burkons
Abstain: 0
Not Voting: 0
MOTION ADOPTED
- Voice Vote**
- On the Adoption:**
Yes: 5 – Mr. Isaacson, Ms. Janovitz, Mr. Mintz,
Mr. Synenberg, Ms. Taylor
No: 1 – Mr. Burkons
Abstain: 0
Not Voting: 0
MOTION ADOPTED

7. Finance & Insurance Committee
Ordinance No. 2023-142
- An Ordinance amending appropriations for Current Expenditures and Other Expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2023, January 1, 2023, to December 31, 2023, Inclusive and authorizing the Transfer of Funds from the General Fund (101) to the Capital Projects Fund (441); and declaring this to be an urgent measure
- Moved by: E. Synenberg, Seconded by: B. B. Janovitz
- Voice Vote**
- On the Suspension:**
Yes: 6
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED
- Voice Vote**
- On the Adoption:**
Yes: 6
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED
8. Finance & Insurance Committee
Ordinance No. 2023-143
- An Ordinance accepting a Certain Bid from Direct Business Technologies, LLC for the Purchase of a Security Software Platform for the City of Beachwood, Ohio; and declaring this to be an urgent measure
- Moved by: J. Mintz, Seconded by: A. Isaacson
- Voice Vote**
- On the Suspension:**
Yes: 6
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED
- Voice Vote**
- On the Adoption:**
Yes: 6
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED

9. Planning & Zoning Committee
Ordinance No. 2023-144
- An Ordinance Accepting the Planning and Zoning Commission's Recommendations of Approval of a Preliminary Site Plan Approval and Approval of a Conditional Use Permit to allow Multi-Family Residential Apartments above the First Floor of the Building located at 23240 Chagrin Boulevard; and declaring this to be an urgent measure
- A Motion was made at this time to Table this item.
- Moved by: A. Isaacson, Seconded by: E. Synenberg
- Voice Vote**
- On the Adoption:**
Yes: 7
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED – ITEM TABLED
10. Planning & Zoning Committee
Ordinance No. 2023-145
- An Ordinance Accepting the Planning and Zoning Commission's Recommendations of Approval of a Preliminary Site Plan and a Conditional Use Permit to allow Multi-Family Residential Apartments above the First Floor of the Building located at 23250 Chagrin Boulevard; and declaring this to be an urgent measure
- Moved by: B. B. Janovitz, Seconded by: J. Taylor
- Voice Vote**
- On the Suspension:**
Yes: 5 – Mr. Isaacson, Ms. Janovitz, Mr. Mintz, Mr. Synenberg, Ms. Taylor
No: 1 – Mr. Burkons
Abstain: 0
Not Voting: 0
MOTION ADOPTED
- Voice Vote**
- On the Adoption:**
Yes: 5 – Mr. Isaacson, Ms. Janovitz, Mr. Mintz, Mr. Synenberg, Ms. Taylor
No: 1 – Mr. Burkons
Abstain: 0
Not Voting: 0
MOTION ADOPTED
11. Public Works Committee
Motion
- A Motion authorizing the Clerk of Council to Advertise for Bids for Ready Mix Concrete per BCO 121.069 and ORC 7.16
- Moved by: A. Isaacson, Seconded by: J. Mintz
- Voice Vote**
- On the Adoption:**
Yes: 6
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED

Any other matters coming before City Council

None.

Adjournment

Motion to Adjourn - Moved by: M. Burkons, Seconded by J. Taylor

Yes: 6

No: 0

Abstain: 0

Not Voting: 0

MOTION ADOPTED

Adjourn to the next Regular City Council Meeting at 8:05 PM

Approved:

Clerk

Mayor

Pursuant to Ordinance Number 2020-78 Council has determined that the Video Recording of the meetings shall stand as the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission.

A written synopsis of all agenda items and votes shall also be promptly prepared and kept.

INTRODUCED BY:

AMENDED ORDINANCE NO. 2023-102

AN ORDINANCE AMENDING CHAPTER 1121 TITLED “U-4 INTEGRATED BUSINESS DISTRICT” AND CHAPTER 1101 TITLED “DEFINITIONS”, OF THE CITY OF BEACHWOOD, OHIO PLANNING AND ZONING CODE

WHEREAS, the City Planner has requested amendments to BCO Chapters 1122 and 1101, of the City of Beachwood, Ohio Planning and Zoning Code; and

WHEREAS, Council referred said requested amendments 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 a request from the City Planner for amendments to the City’s Planning and Zoning Code, a copy of which are attached hereto and incorporated herein as Exhibit “A” and Exhibit “B,” placed this issue and said proposed amendments on first reading and referred the proposed amendments to the Planning and Zoning Commission for its report and recommendation.

Council, is in receipt of the recommendation of the Planning and Zoning Commission and will set a Public Hearing or refer to a Committee of the Council, the issue of amending BCO Chapters 1121 and 1101 of the City of Beachwood, Ohio Planning and Zoning Code.

If referred to a Public Hearing, said Public Hearing shall be held no less than 30 days after referral.

If referred to a Committee of Council, a Public Hearing shall be set after receipt of the report of the Committee.

This Ordinance shall be read by Council on three separate occasions and its passage shall cause the Proposed Amendment to become effective upon operation of the law.

Section 2: The Clerk of Council shall advertise said hearing one time in a newspaper of general circulation in the City at least thirty (30) days prior to the Public Hearing, setting forth the substance of the amendments which are proposed.

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.

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_____, 2023 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the day of__ day of_____, 2023.

Clerk

Approval: I have approved this legislation this____day of_____, 2023 and filed it with the Clerk.

Mayor

**AMEND CHAPTER 1121 U-4A INTEGRATED BUSINESS DISTRICT BY ADDING SUBSECTION
1121.06 SPECIAL LOCATIONAL CRITERIA TO READ AS FOLLOWS**

**CHAPTER 1121
U-4A INTEGRATED BUSINESS DISTRICT**

- 1121.01 Intent.
- 1121.02 Permitted uses.
- 1121.03 Area, yard and height regulations.
- 1121.04 Off-street parking and loading facilities.
- 1121.05 Site development plans.
- 1121.06 Special Locational Criteria.

CROSS REFERENCES

- Districts established - see P. & Z. 1111.01
- Building lines - see P. & Z. 1145.02
- Nonconforming uses - see P. & Z. Ch. 1147
- Certificates of occupancy - see BLDG. Ch. 1313
- Building permits, fees and deposits - see BLDG. Ch. 1329

1121.01 INTENT.

It is the intent of this Chapter (Class U-4A Districts) to provide for the grouping of local retail shops and services in designated areas near residential neighborhoods primarily for the ordinary shopping needs of a daily and weekly nature, as well as for some of those establishments usually associated with such shopping; to protect both residential and business developments from congestion by requiring off-street parking and loading facilities; and to provide for indoor recreation and athletic facilities located to protect both residential and business developments from traffic congestion. (Ord. 2018-94. Passed 10-21-19.)

1121.02 PERMITTED USES.

- (a) Buildings and land in a Class U-4A District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated as Class U-4A uses in Section 1111.02, except that other similar harmonious and compatible uses as may be determined by the Commission and approved by Council may be permitted.
- (b) Accessory uses customarily incident to the main uses listed above shall be permitted provided they are planned and developed in connection with the main building. Such accessory uses among those permitted under this section shall include:
 - (1) Parking garages and off-street parking and loading areas for employees and customers as provided in this chapter.
 - (2) Maintenance, storage and incineration facilities provided the incinerator is located within the main building and conforms to the regulations of Part III, Sections 3.1 to 3.13, inclusive, Bulletin 82 of the American Insurance Association.
 - (3) All solid waste collection, compaction, storage or container facilities shall be located within the main building and physically separated from other uses by a wall or similar partition.
 (Ord. 2018-94. Passed 10-21-19.)

1121.03 AREA, YARD AND HEIGHT REGULATIONS.

- (a) Area.
 - (1) The ground area occupied by the building shall not exceed thirty percent (30%) of the total area of the lot.
 - (2) Not less than fifteen percent (15%) of the total lot area shall be developed as planted areas in accordance with a landscape plan as approved by Commission and shall be maintained in good condition.

- (3) The minimum lot width at the building setback line shall be one-hundred-fifty feet (150').
- (b) Yards.
 - (1) A front yard of not less than one hundred feet (100') shall be provided.
 - (2) Where adjoining a residential District, a side yard shall not be less than fifty feet (50'), nor less than twenty-five feet (25') where adjoining a public street. Within a U-4A District, side yards shall be not less than twenty-five feet (25').
 - (3) Where adjoining a residential District, the rear yard shall not be less than fifty feet (50'). In all other locations, the rear yard shall be not less than twenty-five feet (25').
 - (4) The Commission shall require, from each applicant for its approval, a landscape plan depicting the design of the installation of a fence, wall, hedge and/or other suitable screening and/or planting in order to create a buffer area where a residential District adjoins or abuts a rear or side yard of a lot in a U-4A District.
- (c) Off-Street Parking and Loading in Yards.

Accessory off-street parking in a front yard shall be permitted no closer than ten feet (10') from a street line. Accessory off-street loading spaces in a front yard shall be permitted no closer than fifty feet (50') from a street line.

 - (1) Accessory off-street parking and driveways in a side or rear yard shall be permitted no closer than ten feet (10') from a property line or thirty feet (30') from a residential District line. Accessory off-street loading in a side or rear yard shall be permitted no closer than fifteen feet (15') from a property line or fifty feet (50') from a residential District line.
 - (2) All portions of required yards in which no off-street parking or driveways are permitted shall be developed as lawn or planted areas or maintained in an orderly wooded state.
- (d) Height.

Building height shall not exceed forty-two feet (42'), exclusive of towers, cornices or similar features, provided however, that any building exceeding twenty-five (25) feet in height shall be located a minimum of seventy-five (75) feet from any property zoned U-1.

(Ord. 2018-94. Passed 10-21-19.)

1121.04 OFF-STREET PARKING AND LOADING FACILITIES.

Off-street parking and loading facilities shall be provided in accordance with Chapter 1144.
(Ord. 2018-94. Passed 10-21-19.)

1121.05 SITE DEVELOPMENT PLANS.

Preliminary and final Site Development Plans are required and shall be prepared for all proposed developments in a Class U-4A District. Site Development Plans shall be prepared and reviewed in accordance with the provisions of Chapter 1108.
(Ord. 2018-94. Passed 10-21-19.)

1121.06 SPECIAL LOCATIONAL CRITERIA.

The following uses shall not be located on any U-4A property that directly abuts property zoned U-1 Single Family Residential District or U-2A Attached Single-Family Residential District:

- (a) Small Box Discount Stores.
- (b) Second Hand Stores.
- (c) Pawn Shops.
- (d) Vape Shops and/or Vaporizer Stores.
- (e) Hookah Lounges, Smoke Lounges, and/or Vapor Lounges.
- (f) Tattoo Parlors.
- (g) Stores selling paraphernalia typically associated with controlled substances.
- (h) CBD Stores.

AMEND CHAPTER 1101 DEFINITIONS BY ADDING THE FOLLOWING

1101.37 SECOND HAND STORE/THRIFT SHOP

“Second Hand Store or Thrift Shop” means a retail store that sells, either directly or by consignment, used or damaged merchandise to the general public.

1101.375 SMALL BOX DISCOUNT STORE.

“Small Box Discount Store” means a retail, variety, or discount store up to 15,000 square feet that sells at retail, directly to the consumer, a limited assortment of physical goods and other consumer products, including food or beverages for off premises consumption.

AN ORDINANCE ACCEPTING THE PLANNING AND ZONING COMMISSION'S RECOMMENDATIONS OF APPROVAL OF A PRELIMINARY SITE PLAN APPROVAL AND APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW MULTI-FAMILY RESIDENTIAL APARTMENTS ABOVE THE FIRST FLOOR OF THE BUILDING LOCATED AT 23240 CHAGRIN BOULEVARD; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the City of Beachwood has sought to encourage mixed use, including residential use, in the U-7A General Office Building District;

WHEREAS, in 2018 the Planning and Zoning Commission studied and recommended various Amendments to the Planning and Zoning Code and the Building Code, including Multi-Family Dwellings (as that term is defined in Beachwood Codified Ordinance Section 1101.18) above the first floor as a conditionally permitted use in the U-7A General Office Building District;

WHEREAS, Council accepted the recommendations of the Planning and Zoning Commission and adopted Ordinance No. 2018-84 which included the addition of Codified Ordinance Section 1111.02(i)(10) which allows for Multi-Family Dwellings above the first floor with a Conditional Use Permit in the U-7A General Office Building District;

WHEREAS, the City seeks to continue to encourage development including residential uses by exempting from taxation as permitted and provided in the Ohio Revised Code;

WHEREAS, in furtherance of the foregoing and pursuant to Ordinance No. 2022-76, the City entered into a Tax Increment Finance Development Agreement dated June 10, 2022 (the "Development Agreement"), with Eastgate LLC, and Hepatica Hill Holdings, Ltd. (collectively, "Owner"), providing for tax incremental financing for the redevelopment of the property located at 23240 Chagrin Boulevard assigned Cuyahoga County Permanent Parcel No. 742-23-013 (the "Development Property"), which Development Property is owned by Owner, on the terms set forth therein;

WHEREAS, pursuant to the Development Agreement the existing building located on the Development Property is to be renovated to create a residential luxury apartment building with approximately fifteen (15) studios, approximately fifty-nine (59) one bedroom units, and approximately fifty-nine (59) two-bedroom units and fourteen (14) three-bedroom units, approximately 19,900 square feet on the first floor for the following potential uses: office space, business accelerator/co-working space, daycare facilities, restaurant/café, sports simulators, a fitness and business lounge, a common lobby for residents, and a potential rooftop deck;

WHEREAS, as set forth in Recital J of the Development Agreement, the City has determined "that the redevelopment of the Development Property by the Owner and fulfillment generally of the terms of [the] Development Agreement are in the best interests of the City and the health, safety, moral and welfare of its residents";

WHEREAS, pursuant to Section 2.6 of the Development Agreement, the Owner is required to use, develop, and redevelop the Development Property in accordance with the Development Agreement and is, therefore, required to use the Property principally for residential purposes;

WHEREAS, Eastgate LLC and Hepatica Hill Holdings, Ltd., in furtherance of the Development Agreement and the renovation of the Development Property, requested that the Planning and Zoning Commission recommend to City Council the approval of the Preliminary Site Plan and a Conditional Use Permit to allow multi-family residential apartments above the first floor of the building located at the Development Property;

WHEREAS, the Planning and Zoning Commission, on December 7, 2023, reviewed the request and recommended that City Council approve the Preliminary Site Plan and grant the Conditional Use Permit, subject to certain conditions, stipulations, and requirements; and

WHEREAS, the Council of the City of Beachwood has determined that the Preliminary Site Plan and Conditional Use Permit for which Owner applied should be granted, and finds that the use of the Development Property for the uses specified in the Development Agreement, including its principal use for residential purposes: (a) is in the public interest and in furtherance of the public good and the public policy of the City; (b) that economic conditions have adversely impacted continued use of the subject property for office purposes and, therefore, support its use for multi-family dwellings; (c) that the location of the subject property on Green Road across from Highlands Golf Course makes the subject property well located for use for multi-family dwellings rather than office purposes; and (d) that the location of the subject property adjacent to property located in a U-3C Zoning District which permits multi-family dwellings makes the subject property well located for use for multi-family dwellings rather than office purposes.

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

Section 1: Based on the foregoing recitals of this Ordinance, Council accepts the recommendation of the Planning and Zoning Commission made on December 7, 2023, in P & Z Case No. 2023-21 and grants approval of a Preliminary Site Plan and a Conditional Use Permit to Eastgate LLC and Hepatica Hill Holdings, Ltd. to allow multi-family residential apartments above the first floor of the building located at 23240 Chagrin Boulevard, Beachwood, Ohio, subject to compliance with the conditions, stipulations, and requirements recommended by the Planning and Zoning Commission, which shall include the following:

- A. This approval is subject to release of the existing deed restriction limiting residential use of the subject property.
- B. The applicant shall adequately address all of the safety concerns to the satisfaction of the Fire Department and City Engineer prior to submission of the final site development plan.
- C. The applicant shall provide evidence that the parking garage meets appropriate structural standards prior to submission of the final site development plan.
- D. Submission of a complete final site development plan package that includes evidence of compliance with the minimum parking requirements.

Section 2: The Building Commissioner is directed to include the conditions, stipulations, and requirements listed in Section 1 of this Ordinance in any conditional use permit and certificate of occupancy issued for 23240 Chagrin Boulevard. The failure to comply with any one or more of the conditions, stipulations, or requirements listed in Section 1 of this Ordinance and/or any other provision of the Zoning Code shall be deemed to be a violation of the Zoning Code and the Building Commissioner, and any other City official are authorized to take any action that may be necessary to enforce the conditions, stipulations and requirements.

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 as required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is declared to be an urgent measure necessary for the public peace, health, or safety or the efficient operation of the City, and for the further reason of the immediate necessity of granting a Conditional Use Permit to permit Eastgate LLC and Hepatica Hill Holdings, Ltd to allow multi-family residential apartments above the first floor of the building located at 23240 Chagrin Boulevard and to permit continued planning and design of the project and the timely construction of the project as permitted; 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 18th day of December, 2023, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 19th day of December, 2023.

Clerk

Approval: I have approved this legislation this 19th day of December, 2023, and filed it with the Clerk.

Mayor

Fire Prevention Bureau

P&Z Report

To: Planning and Zoning Commission
From: Steven Holtzman, Fire Chief
Date: 12/5/2023
Re: P&Z # 23-21 – 23240 Chagrin - Apartments above first floor

The Fire Prevention Bureau has reviewed the drawings/documents submitted for this item.

1. We would require 360° access to the building with our largest Fire Apparatus(Vehicle Specifications available).
2. A Bi Directional amplifier for emergency responders Marcs radio system will need to be added to this structure during the renovation.

Steven Holtzman
Fire Chief

Tactical Planning, LLC

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

TO: Beachwood Planning Commission

FROM: George Smerigan, City Planner

DATE: November 30, 2023

RE: **P&Z 2023-21 James B. Heller Consulting
Eastgate LLC and Hepatica Hill Holdings LTD
23240 Chagrin Boulevard
Conditional Use Permit
Preliminary Site Development Plan**



Because the Conditional Use Permit is a recommendation to City Council, and because there are a number of contingencies, I thought it would be helpful to provide a draft motion.

Motion to recommend approval of the conditional use permit and preliminary site plan to City Council with the following stipulations:

- 1) This approval is subject to release of the existing deed restriction limiting residential use of the subject property.
- 2) The applicant shall adequately address all of the safety concerns to the satisfaction of the Fire Department and City Engineer prior to submission of the final site development plan.
- 3) The applicant shall provide evidence that the parking garage meets appropriate structural standards prior to submission of the final site development plan.
- 4) Submission of a complete final site development plan package that includes evidence of compliance with the minimum parking requirements.

INTRODUCED BY:

ORDINANCE NO. 2024-16

AN ORDINANCE APPOINTING THE LAW FIRM OF ROETZEL & ANDRESS LPA AND ATTORNEY R. TODD HUNT AS INTERIM LAW DIRECTOR FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Article III, Section 5(3)(F)(1), and Article V, Section 2 of the Charter provide that the Council shall appoint the Law Director; and

WHEREAS, Council desires to continue engaging the firm of Roetzel and Andress LPA and Attorney R. Todd Hunt as Interim Law Director while conducting a search for a permanent Law Director.

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

Section 1: R. Todd Hunt is hereby re-appointed Interim Law Director for the City of Beachwood in accordance with Articles III and V of the Charter for a term through February 29, 2024, to perform all the duties of the Interim Law Director as required by the Charter and laws of the City of Beachwood and the laws of the State of Ohio.

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 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.

Section 4: This Ordinance is declared to be an urgent measure necessary for the public peace, health, or safety or the efficient operation of the City; and for the further reason that the employment provided herein is needed for the proper operation of an essential Department 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 this legislation was duly adopted on the 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval:

I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2024-1

AN ORDINANCE APPOINTING HARVEY S. ROSE AS AUDIT DIRECTOR FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Article V, Section 4(1) of the Charter provides that Council shall appoint the Audit Director; and

WHEREAS, Council desires to Harvey S. Rose as Audit Director.

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

Section 1: Harvey S. Rose is hereby appointed Audit Director for the City of Beachwood in accordance with Article V, Section 4(1) of the Charter for a term not beyond the next Organizational Meeting of Council to perform all the duties of the Audit Director as required by the Charter and laws of the City of Beachwood and the laws of the State of Ohio.

Section 2: Mr. Rose's employment shall continue to be subject to all of the provisions of the Administrative Salary Ordinance and Personnel Policy Manual, provided, however, that notwithstanding any other provision of the Ordinance and Policy, Mr. Rose's employment shall continue to be subject to the authority of Council to appoint the Audit Director pursuant to Article V, Section 4(1) of the Charter.

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 necessary for the public peace, health, or safety or the efficient operation of the City; and for the further reason that the employment provided herein is needed for the proper operation of an essential Department 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 this legislation was duly adopted on the 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2024-2

AN ORDINANCE APPOINTING NATHALIE E. SUPLER AS ASSISTANT LAW DIRECTOR/
PROSECUTOR FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN
URGENT MEASURE

WHEREAS, Article III, Section 5, Paragraph 3 (F)(1) and Article V, Section 2 of the Charter provide that the Council shall appoint the Law Director and any Assistant Law Director(s); and

WHEREAS, Council desires to appoint Nathalie E. Supler as Assistant Law Director/Prosecutor.

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

Section 1: Nathalie E. Supler is hereby appointed full-time Assistant Law Director/Prosecutor for the City of Beachwood in accordance with Articles III and V of the Charter for a term not beyond the next Organizational Meeting of Council, to perform all the duties of the Assistant Law Director/Prosecutor as required by the Charter and laws of the City of Beachwood and the laws of the State of Ohio. As Ms. Supler will be a full-time employee of the City, the provisions of Section 123.01 of the Beachwood Codified Ordinances are hereby waived as to Ms. Supler for so long as she is employed by the City as a full-time Assistant Law Director/Prosecutor.

Section 2: Ms. Supler's employment shall continue to be subject to all of the provisions of the Administrative Salary Ordinance and Personnel Policy Manual, provided, however, that notwithstanding any other provision of that Ordinance and Policy, Ms. Supler's employment shall continue to be subject to the authority of Council to appoint the Law Director and Assistant Law Director pursuant to Article III, Section 5, Paragraph 3 (F) and Article V, Section 2 of the Charter.

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 necessary for the public peace, health, or safety or the efficient operation of the City; and for the further reason that the employment provided herein is needed for the proper operation of an essential Department 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 this legislation was duly adopted on the 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2024-3

AN ORDINANCE APPOINTING MATTHEW A. KURZ AS ASSISTANT LAW DIRECTOR/
ASSOCIATE COUNSEL FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE
AN URGENT MEASURE

WHEREAS, Article III, Section 5, Paragraph 3 (F)(1) and Article V, Section 2 of the Charter provide that the Council shall appoint the Law Director and any Assistant Law Director(s); and

WHEREAS, Council desires to appoint Matthew A. Kurz as Assistant Law Director/Associate Counsel.

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

Section 1: Matthew A. Kurz is hereby appointed full-time Assistant Law Director/Associate Counsel for the City of Beachwood in accordance with Articles III and V of the Charter for a term not beyond the next Organizational Meeting of Council, to perform all the duties of the Assistant Law Director/Associate Counsel as required by the Charter and laws of the City of Beachwood and the laws of the State of Ohio. As Mr. Kurz will be a full-time employee of the City, the provisions of Section 123.01 of the Beachwood Codified Ordinances are hereby waived as to Mr. Kurz for so long as he is employed by the City as a full-time Assistant Law Director/Associate Counsel.

Section 2: Mr. Kurz employment shall continue to be subject to all of the provisions of the Administrative Salary Ordinance and Personnel Policy Manual, provided, however, that notwithstanding any other provision of that Ordinance and Policy, Mr. Kurz employment shall continue to be subject to the authority of Council to appoint the Law Director and Assistant Law Director pursuant to Article III, Section 5, Paragraph 3 (F) and Article V, Section 2 of the Charter.

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 necessary for the public peace, health, or safety or the efficient operation of the City; and for the further reason that the employment provided herein is needed for the proper operation of an essential Department 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 this legislation was duly adopted on the 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2024-4

AN ORDINANCE APPOINTING WHITNEY M. CROOK AS CLERK OF COUNCIL FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Article III, Section 4 of the Charter and BCO Section 121.12 provide that the Council shall appoint the Clerk of Council and any Assistant Clerk(s) of Council; and

WHEREAS, Council desires to appoint Whitney M. Crook as Clerk of Council.

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

Section 1: Whitney M. Crook is hereby appointed Clerk of Council of the City of Beachwood in accordance with Article III, Section 4 of the Charter and BCO Section 121.12 for a term not to extend beyond the next Organizational Meeting of Council to perform all of the duties of the Clerk of Council required by the Charter and laws of the City of Beachwood and the laws of the State of Ohio.

Section 2: Ms. Crook's employment shall continue to be subject to all of the provisions of the Administrative Salary Ordinance and Personnel Policy Manual, provided, however, that notwithstanding any other provision of that Ordinance and Policy, Ms. Crook's employment shall continue to be subject to the authority of Council to appoint the Clerk of Council pursuant to Article III, Section 4 of the Charter and BCO Section 121.12

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 necessary for the public peace, health, or safety or the efficient operation of the City; and for the further reason that the employment provided herein is needed for the proper operation of an essential Department 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 this legislation was duly adopted on the 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2024-5

AN ORDINANCE APPOINTING VERONICA MUTH AS AN ASSISTANT CLERK OF COUNCIL FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Article III, Section 4, and BCO Section 121.12, provide that the Council may appoint Assistant Clerks of Council to assist the Clerk and to act in the Clerk's absence; and

WHEREAS, Council desires to appoint Veronica Muth as an Assistant Clerk of Council.

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

Section 1: Veronica Muth is hereby appointed as an Assistant Clerk of Council of the City of Beachwood in accordance with Article III, Section 4 of the Charter and BCO Section 121.12, for a term not to extend beyond the next Organizational Meeting of Council to perform all of the duties of Assistant Clerk of Council, required by the Charter and laws of the City of Beachwood and the laws of the State of Ohio.

Section 2: Ms. Muth's employment shall continue to be subject to all of the provisions of the Administrative Salary Ordinance and Personnel Policy Manual, provided, however, that notwithstanding any other provision of that Ordinance and Policy, Ms. Muth's employment shall continue to be subject to the authority of Council to appoint the Clerk of Council pursuant to Article III, Section 4 of the Charter and BCO Section 121.12

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 necessary for the public peace, health, or safety or the efficient operation of the City; and for the further reason that the employment provided herein is needed for the proper operation of an essential Department 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 this legislation was duly adopted on the 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2024-6

AN ORDINANCE APPOINTING ALISON INGHAM-SMITH AS AN ASSISTANT CLERK OF COUNCIL FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Article III, Section 4, and BCO Section 121.12, provide that the Council may appoint Assistant Clerks of Council to assist the Clerk and to act in the Clerk's absence; and

WHEREAS, Council desires to appoint Alison Ingham-Smith as an Assistant Clerk of Council.

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

Section 1: Alison Ingham-Smith is hereby appointed as an Assistant Clerk of Council of The City of Beachwood in accordance with Article III, Section 4 of the Charter and BCO Section 121.12, for a term not to extend beyond the next Organizational Meeting of Council to perform all of the duties of Assistant Clerk of Council, required by the Charter and laws of the City of Beachwood and the laws of the State of Ohio.

Section 2: Ms. Ingham-Smith's employment shall continue to be subject to all of the provisions of the Administrative Salary Ordinance and Personnel Policy Manual, provided, however, that not withstanding any other provision of that Ordinance and Policy, Ms. Ingham-Smith's employment shall continue to be subject to the authority of Council to appoint the Clerk of Council pursuant to Article III, Section 4 of the Charter and BCO Section 121.12

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 necessary for the public peace, health, or safety or the efficient operation of the City; and for the further reason that the employment provided herein is needed for the proper operation of an essential Department 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 this legislation was duly adopted on the 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

CITY OF BEACHWOOD

INTER-OFFICE MEMORANDUM

TO: Whitney Crook, Clerk of Council

FROM: Justin Berns, Mayor

DATE: December 21, 2023

SUBJECT: **Planning and Zoning Commission Appointments – January 8, 2024
Organizational Meeting**

Please prepare the necessary legislation and oaths to confirm my appointments to the **Planning and Zoning Commission**. After conferring with our Building Commissioner, I recommend the following:

- Appointment of Bryan P. Zabell as Chair of the Planning Commission for a term ending 12/31/24. Mr. Zabell is currently serving as a member of the Planning and Zoning Commission with a term ending 12/31/24.
- Appointment of Ayonna Blue Donald as a member of the Planning and Zoning Commission, District 3 for a term ending 12/31/26.
- Appointment of Jeffrey Shoykhet as a member of the Planning and Zoning Commission, resident appointed at-large for a term ending 12/31/26.

Thank you.

JB/br

Cc: Alec Isaacson, Council President
Todd Hunt, Law Director
Brian Roenigk, Building Commissioner

INTRODUCED BY:

ORDINANCE NO. 2024-7

AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRYAN P. ZABELL AS CHAIRMAN OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, pursuant to Article VI, Section 2(1)(C) and Article IV, Section (4)(7) of the City Charter, the Mayor has appointed Bryan P. Zabell, as Chairman of the Planning and Zoning Commission of the City of Beachwood and has requested Council to confirm said appointment.

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 the Mayor of Bryan P. Zabell as Chairman of the Planning and Zoning Commission of the City of Beachwood for a term not to extend beyond December 31, 2024 pursuant to Article VI, Section 2(1) (C) and Article IV, Section (4)(7) of the City Charter, be and the same is hereby confirmed.

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 necessary for 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 function 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 this legislation was duly adopted on the 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2024-8

AN ORDINANCE CONFIRMING THE APPOINTMENT OF AYONNA BLUE DONALD AS A MEMBER OF THE PLANNING AND ZONING COMMISSION, DISTRICT 3 FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE.

WHEREAS, pursuant to Article VI, Section 2(1)(C) of the City Charter states that the Mayor shall appoint four (4) resident members to the Planning and Zoning Commission.

WHEREAS, the Mayor desires to appoint Ayonna Blue Donald as a member of the City of Beachwood, Ohio Planning and Zoning Commission and has requested Council to confirm said appointment.

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 the Mayor of Ayonna Blue Donald as a member of the Planning and Zoning Commission, District 3, for a three year term ending December 31, 2026, pursuant to Article IV, Section (4)(7), be and the same is hereby confirmed.

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 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 function of the City government; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment 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 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

INTRODUCED BY:

ORDINANCE NO. 2024-9

AN ORDINANCE CONFIRMING THE APPOINTMENT OF JEFFREY SHOYKHET AS A MEMBER AT-LARGE OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE AN URGENT MEASURE.

WHEREAS, pursuant to Article VI, Section 2(1)(C) of the City Charter states that the Mayor shall appoint four (4) resident members to the Planning and Zoning Commission.

WHEREAS, the Mayor desires to appoint Jeffrey Shoykhet as a member at-large of the City of Beachwood, Ohio Planning and Zoning Commission and has requested Council to confirm said appointment.

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 the Mayor of Jeffrey Shoykhet as a member at-large of the Planning and Zoning Commission, for a three year term ending December 31, 2026, pursuant to Article IV, Section (4)(7), be and the same is hereby confirmed.

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 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 function of the City government; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment 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 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

CITY OF BEACHWOOD

INTER-OFFICE MEMORANDUM

TO: Whitney Crook, Clerk of Council

FROM: Justin B. Berns, Mayor

DATE: December 21, 2023

SUBJECT: **Architectural Review Board (ARB) 2024 Mayoral Appointment**

Our office has been working with the Law Department to present to City Council the annual contracts and appointments for 2024.

After reviewing with Building Commissioner Brian Roenigk, we recommend the following reappointments for a term ending December 31, 2026:

Ms. Mary Ann Pellerano Fletcher

Ms. Pellerano Fletcher provided exemplary service to the City and I am pleased to reappoint her.

cc. Alec Isaacson, President of Council
Todd Hunt, Law Director
Brian Roenigk, Building Commissioner

INTRODUCED BY:

ORDINANCE NO. 2024-10

AN ORDINANCE CONFIRMING THE RE-APPOINTMENT OF MARY ANN PELLERANO FLETCHER AS A MEMBER OF THE CITY OF BEACHWOOD, OHIO ARCHITECTURAL BOARD OF REVIEW; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the Mayor has re-appointed Mary Ann Pellerano Fletcher as a member of the City of Beachwood Architectural Board of Review and has requested Council to confirm said appointment.

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

Section 1: The re-appointment by the Mayor of Mary Ann Pellerano Fletcher as a member Of the City of Beachwood Architectural Board of Review for a term ending December 31, 2023, be and The same is hereby confirmed.

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

Section 3: This Ordinance is declared to be 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 the appointment provided herein is needed for the proper operation of an essential function of the City government; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment 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 8th day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9th day of January, 2024.

Clerk

Approval: I have approved this legislation this 9th day of January, 2024 and filed it with the Clerk.

Mayor

CITY OF BEACHWOOD
FINANCE DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Mayor Justin Berns
FROM: Larry A. Heiser, Finance Director *LAH*
RE: Request for Emergency Purchase Order
DATE: December 27, 2023

The 2024 approved budget included \$250,000 for an emergency Purchase Order (PO) which is part of the Finance Department Budget. 2023 was the first year that the City of Beachwood put an emergency PO in place and as expected the PO was not used. Again in 2024, the PO is not expected to be used and if it is used then Council would be notified at the point where funds were being applied against this PO. This Emergency PO should continue to be part of our regular yearly operations but never utilized. It does indicate a heightened level of preparedness for the City of Beachwood.

Please let me know if you have any questions.

Thank You.

INTRODUCED BY:

ORDINANCE NO. 2024-11

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:

For Supplies and Services	January 8, 2024	\$ 70,342.67
GPD	Engineering Services	\$ 23,722.00
Wildermuth, Michael – Architect	Plan Review Services	\$ 250.50
Squire Patton Boggs	Legal Services	\$ 7,005.00
Zashin & Rich Co LPA	Legal Services	\$ 48.00
MCCI - JustFOIA	Law Dept Services	\$ 7,224.53
City of South Euclid (EDGE)	Police Dept Agreement	\$ 28,746.96
Wingfoot Commercial Tire – Goodyear	Public Works Supplies	\$ 3,345.68

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 8th day of January 2024 and presented to the Mayor.

Clerk

Approval: I have approved this legislation this 9th day of January 2024 and filed it with the Clerk.

Mayor

Summary of Engineering Invoices

January 8, 2024 Professional Service Ordinance

Invoice #	Invoice Date	Original Amount	Adjustment	Payment Amount	Fund	Billed	Out	2024 ENCUMBRANCES	2023	2022
2023119.50-9	12/8/2023	\$2,124.00	\$0.00	\$2,124.00	Capital				X	
2023119.01-11	12/8/2023	\$1,156.50	\$0.00	\$1,156.50	General				X	
2023119.03-8	12/8/2023	\$2,384.00	\$0.00	\$2,384.00	General				X	
2023119.06-8	12/8/2023	\$1,380.00	\$0.00	\$1,380.00	General				X	
2023119.10-1	12/8/2023	\$1,994.00	\$0.00	\$1,994.00	Capital				X	
2021119.07-32	12/8/2023	\$1,027.00	\$0.00	\$1,027.00	Capital					X
2020119.02-27	12/8/2023	\$420.00	\$0.00	\$420.00	Capital				X	
2023119.02-9	12/8/2023	\$1,222.00	\$0.00	\$1,222.00	Capital				X	
2023120.05-1	12/8/2023	\$847.00	\$0.00	\$847.00	General				X	
2023120.04-1	12/8/2023	\$721.00	\$0.00	\$721.00	General				X	
2023120.03-1	12/8/2023	\$533.50	\$0.00	\$533.50	General				X	
2022120.07-10	12/8/2023	\$2,631.00	\$0.00	\$2,631.00	Deposits	Porsche of Beachwood		X		
2023119.05-7	11/29/2023	\$2,325.00	\$0.00	\$2,325.00	Capital				X	
2023119.90-11	12/8/2023	\$3,354.00	\$0.00	\$3,354.00	General				X	
2021119.91-30	12/8/2023	\$1,603.00	\$0.00	\$1,603.00	Capital					X
Total To Pay				<u>\$23,722.00</u>						
Total Capital Fund				\$10,715.00						
Total General Fund				\$10,376.00						
Total Deposits				\$2,631.00						
Total Street Const. Mant.				\$0.00						
Less: Billable Charges				(\$2,631.00)						
Net Paid by City:				<u>\$21,091.00</u>						



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023
Invoice No: 2020119.02 - 27

Invoice Total	\$420.00
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Project 2020119.02 Beachwood-Chagrin Culvert Rehabilitation

Service Dept.
P.O.#2023-01821
Max Not to Exceed \$109,284.00

Professional Services from October 28, 2023 to November 24, 2023

Task 110 Final Design
P.O.#2023-01821

Professional Personnel

	Hours	Rate	Amount
Sr. Project Manager			
Washko, Thomas	3.50	120.00	420.00
Totals	3.50		420.00
Total Labor			420.00
Total this Task			\$420.00

Billing Limits	Current	Prior	To-Date
Total Billings	420.00	84,018.00	84,438.00
Limit			109,284.00
Remaining			24,846.00

Total this Invoice \$420.00 ✓

Outstanding Invoices

Number	Date	Balance
25	10/13/2023	3,700.00
26	11/10/2023	2,195.50
Total		5,895.50

SVC
APPROVED FOR PAYMENT
BY: [Signature]
DATE: 12-14-23
P/O: 2023-01821

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
04/03/20	2020119.02-1	2020119.02	03/27/20	SERVICE	\$2,770.50
06/05/20	2020119.02-2	2020119.02	05/29/20	SERVICE	\$1,783.50
08/10/20	2020119.02-3	2020119.02	08/10/20	SERVICE	\$8,303.50
09/08/20	2020119.02-4	2020119.02	08/28/20	SERVICE	\$2,109.50
10/02/20	2020119.02-5	2020119.02	09/25/20	SERVICE	\$3,508.50
11/10/20	2020119.02-6	2020119.02	10/30/20	SERVICE	\$926.00
12/31/20	2020119.02-7	2020119.02	12/31/20	SERVICE	\$109.00
02/10/21	2020119.02-8	2020119.02	01/29/21	SERVICE	\$662.50
03/08/21	2020119.02-9	2020119.02	02/26/21	SERVICE	\$397.50
05/10/21	2020119.02-10	2020119.02	04/30/21	SERVICE	\$755.50
07/07/21	2020119.02-11	2020119.02	06/25/21	SERVICE	\$724.00
08/13/21	2020119.02-12	2020119.02	07/30/21	SERVICE	\$485.00
11/12/21	2020119.02-13	2020119.02	10/29/21	SERVICE	\$1,028.00
12/10/21	2020119.02-14	2020119.02	11/26/21	SERVICE	\$1,375.75
01/14/22	2020119.02-15	2020119.02	12/31/21	SERVICE	\$3,733.25
03/11/22	2020119.02-16	2020119.02	02/25/22	SERVICE	\$280.00
07/08/22	2020119.02-17	2020119.02	06/24/22	SERVICE	\$1,609.50
08/12/22	2020119.02-18	2020119.02	07/29/22	SERVICE	\$610.50
10/14/22	2020119.02-19	2020119.02	09/30/22	SERVICE	\$1,086.00
11/11/22	2020119.02-20	2020119.02	10/28/22	SERVICE	\$400.00
12/09/22	2020119.02-21	2020119.02	11/25/22	SERVICE	\$1,200.00
07/14/23	2020119.02-22	2020119.02	06/30/23	SERVICE	\$33,967.00
08/11/23	2020119.02-23	2020119.02	07/28/23	SERVICE	\$5,248.50
09/08/23	2020119.02-24	2020119.02	08/25/23	SERVICE	\$5,049.00
10/13/23	2020119.02-25	2020119.02	09/29/23	SERVICE	\$3,700.00
11/10/23	2020119.02-26	2020119.02	10/27/23	SERVICE	\$2,195.50
12/08/23	2020119.02-27	2020119.02	11/24/23	SERVICE	\$420.00

\$84,438.00



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

City of Beachwood
Attn: Michelle Kaplan
michelle.kaplan@beachwoodohio.com
P.O. Box 22659
Beachwood, OH 44122

December 08, 2023
Invoice No: 2021119.07 - 32

Invoice **\$1,027.00**
Total

Project 2021119.07 Beachwood - Green/Bryden Culvert Design
P.O. #2021-01157 \$143,296.00
Professional Services from October 28, 2023 to November 24, 2023

Task 200 Construction Admin./Inspection
Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	4.00	145.00	580.00
Sr. Engineer			
DiCesare, David	1.00	111.00	111.00
Construction Coordinator			
Libert, Alicia	4.00	84.00	336.00
Totals	9.00		1,027.00
Total Labor			1,027.00
Total this Task			\$1,027.00
Total this Invoice			\$1,027.00

Outstanding Invoices

Number	Date	Balance
31	11/10/2023	8,268.00
Total		8,268.00

Billings to Date

	Current	Prior	Total
Labor	1,027.00	157,770.75	158,797.75
Expense	0.00	307.51	307.51
Unit	0.00	575.00	575.00
Totals	1,027.00	158,653.26	159,680.26

APPROVED FOR PAYMENT

BY: *[Signature]*

DATE: 12-14-23

P/O: 2022-02402

AKRON / ATLANTA / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
INDIANAPOLIS / LOUISVILLE / PHOENIX / PITTSBURGH / SEATTLE / YOUNGSTOWN
Net 30 days.

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
04/05/21	2021119.07-1	2021119.07	03/26/21	SERVICE	\$20,438.50
05/10/21	2021119.07-2	2021119.07	04/30/21	SERVICE	\$22,361.75
06/07/21	2021119.07-3	2021119.07	05/28/21	SERVICE	\$9,093.18
07/06/21	2021119.07-4	2021119.07	06/25/21	SERVICE	\$6,120.75
08/09/21	2021119.07-5	2021119.07	07/30/21	SERVICE	\$7,238.25
09/07/21	2021119.07-6	2021119.07	08/27/21	SERVICE	\$848.25
11/08/21	2021119.07-7	2021119.07	10/29/21	SERVICE	\$1,163.00
12/06/21	2021119.07-8	2021119.07	11/26/21	SERVICE	\$1,095.00
01/10/22	2021119.07-9	2021119.07	12/31/21	SERVICE	\$1,991.00
02/07/22	2021119.07-10	2021119.07	01/28/22	SERVICE	\$3,794.20
03/07/22	2021119.07-11	2021119.07	02/25/22	SERVICE	\$646.75
04/04/22	2021119.07-12	2021119.07	03/25/22	SERVICE	\$2,515.75
05/09/22	2021119.07-13	2021119.07	04/29/22	SERVICE	\$3,820.50
06/06/22	2021119.07-14	2021119.07	05/27/22	SERVICE	\$3,165.50
07/05/22	2021119.07-15	2021119.07	06/24/22	SERVICE	\$2,725.75
08/08/22	2021119.07-16	2021119.07	07/29/22	SERVICE	\$3,697.50
09/06/22	2021119.07-17	2021119.07	08/26/22	SERVICE	\$3,532.00
10/14/22	2021119.07-18	2021119.07	09/30/22	SERVICE	\$2,175.50
11/07/22	2021119.07-19	2021119.07	10/28/22	SERVICE	\$5,985.25
12/09/22	2021119.07-20	2021119.07	11/25/22	SERVICE	\$5,446.50
12/31/22	2021119.07-21	2021119.07	12/31/22	SERVICE	\$10,490.00
02/10/23	2021119.07-22	2021119.07	01/27/23	SERVICE	\$12,897.50
03/10/23	2021119.07-23	2021119.07	02/24/23	SERVICE	\$4,678.00
04/14/23	2021119.07-24	2021119.07	03/31/23	SERVICE	\$912.38
05/12/23	2021119.07-25	2021119.07	04/28/23	SERVICE	\$1,487.50
06/07/23	2021119.07-26R	2021119.07	05/26/23	SERVICE	\$42.00
07/14/23	2021119.07-27	2021119.07	06/30/23	SERVICE	\$1,164.00
08/11/23	2021119.07-28	2021119.07	07/28/23	SERVICE	\$4,080.50
09/08/23	2021119.07-29	2021119.07	08/25/23	SERVICE	\$2,834.50
10/13/23	2021119.07-30	2021119.07	09/29/23	SERVICE	\$3,944.00
11/10/23	2021119.07-31	2021119.07	10/27/23	SERVICE	\$8,268.00
12/08/23	2021119.07-32	2021119.07	11/24/23	SERVICE	\$1,027.00
					<u>\$159,680.26</u>



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

City of Beachwood
Attn: Accounts Payable-accounts@beachwoodohio.com
P.O. Box 22659
Beachwood, OH 44122

December 08, 2023
Invoice No: 2021119.91 - 30

Invoice Total \$1,603.00

Project 2021119.91 Beachwood - Richmond Road Signals

P.O. #2021-00640
Max Not to Exceed \$279,193.00

Professional Services from October 28, 2023 to November 24, 2023

Task 051 Plan Development

Professional Personnel

	Hours	Rate	Amount
Sr. Project Manager			
Goetz, Kristy	10.50	120.00	1,260.00
Westbrooks, Kevin	2.00	120.00	240.00
Design Engineer			
Hobrath, Julia	1.00	103.00	103.00
Totals	13.50		1,603.00
Total Labor			1,603.00
Total this Task			\$1,603.00

Billing Limits	Current	Prior	To-Date
Total Billings	1,603.00	108,069.15	109,672.15
Limit			279,193.00
Remaining			169,520.85
Total this Invoice			\$1,603.00

Outstanding Invoices

Number	Date	Balance
29	11/10/2023	1,500.00
Total		1,500.00

APPROVED FOR PAYMENT

BY: [Signature]
DATE: 12/18/23
P/O: 2021-00640

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
04/02/21	2021119.91-1	2021119.91	03/26/21	POLICE	\$598.50
05/07/21	2021119.91-2	2021119.91	04/30/21	POLICE	\$467.50
06/04/21	2021119.91-3	2021119.91	05/28/21	POLICE	\$4,718.50
07/01/21	2021119.91-4	2021119.91	06/25/21	POLICE	\$12,051.00
08/10/21	2021119.91-5	2021119.91	07/30/21	POLICE	\$9,089.50
09/03/21	2021119.91-6	2021119.91	08/27/21	POLICE	\$1,410.50
10/06/21	2021119.91-7	2021119.91	09/24/21	POLICE	\$17,038.00
11/05/21	2021119.91-8	2021119.91	10/29/21	POLICE	\$961.14
12/02/21	2021119.91-9	2021119.91	11/26/21	POLICE	\$5,049.50
01/14/22	2021119.91-10	2021119.91	12/31/21	POLICE	\$834.50
02/03/22	2021119.91-11	2021119.91	01/28/22	POLICE	\$957.00
03/04/22	2021119.91-12	2021119.91	02/25/22	POLICE	\$561.00
03/31/22	2021119.91-13	2021119.91	03/25/22	POLICE	\$2,267.00
05/06/22	2021119.91-14	2021119.91	04/29/22	POLICE	\$1,278.50
06/07/22	2021119.91-15	2021119.91	05/27/22	POLICE	\$670.00
07/06/22	2021119.91-16	2021119.91	06/24/22	POLICE	\$846.00
08/12/22	2021119.91-17	2021119.91	07/29/22	POLICE	\$14,696.75
09/02/22	2021119.91-18	2021119.91	08/26/22	POLICE	\$11,670.00
10/14/22	2021119.91-19	2021119.91	09/30/22	POLICE	\$3,349.00
11/11/22	2021119.91-20	2021119.91	10/28/22	POLICE	\$444.00
02/10/23	2021119.91-21	2021119.91	01/27/23	POLICE	\$1,320.00
03/10/23	2021119.91-22	2021119.91	02/24/23	POLICE	\$1,342.88
05/12/23	2021119.91-23	2021119.91	04/28/23	POLICE	\$240.00
06/08/23	2021119.91-24	2021119.91	05/26/23	POLICE	\$862.88
07/14/23	2021119.91-25	2021119.91	06/30/23	POLICE	\$2,229.00
08/11/23	2021119.91-26	2021119.91	07/28/23	POLICE	\$201.50
08/30/23	2021119.91-27	2021119.91	08/25/23	POLICE	\$10,355.00
10/13/23	2021119.91-28	2021119.91	09/29/23	POLICE	\$1,060.00
11/10/23	2021119.91-29	2021119.91	10/27/23	POLICE	\$1,500.00
12/08/23	2021119.91-30	2021119.91	11/24/23	POLICE	\$1,603.00

\$109,672.15



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023

Invoice No: 2022120.07 - 10

*#2022-09/28
Porsche of Beachwood*

Invoice Total	\$2,631.00
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Project 2022120.07 Beachwood - Porsche Dealership - Orange Place
Professional Services from October 28, 2023 to November 24, 2023

Task 110 Construction Inspection, including SWPPP
Professional Personnel

	Hours	Rate	Amount
Inspector			
Ducca, Daniel	38.00	61.50	2,337.00
Construction Coordinator			
Libert, Alicia	3.50	84.00	294.00
Totals	41.50		2,631.00
Total Labor			2,631.00
Total this Task			\$2,631.00

Total this Invoice \$2,631.00 ✓

Outstanding Invoices

Number	Date	Balance
9	11/10/2023	2,776.50
Total		2,776.50

Billings to Date

	Current	Prior	Total
Labor	2,631.00	9,911.00	12,542.00
Totals	2,631.00	9,911.00	12,542.00

Bldg
APPROVED FOR PAYMENT
BY: _____
DATE: *12-12-23*
P/O: *783.000. 53136 - NO PO*

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
11/11/22	2022120.07-1	2022120.07	10/28/22	BUILDING	\$268.00
12/09/22	2022120.07-2	2022120.07	11/25/22	BUILDING	\$1,091.00
12/31/22	2022120.07-3	2022120.07	12/31/22	BUILDING	\$1,303.50
02/10/23	2022120.07-4	2022120.07	01/27/23	BUILDING	\$1,225.00
04/14/23	2022120.07-5	2022120.07	03/31/23	BUILDING	\$480.00
08/11/23	2022120.07-6	2022120.07	07/28/23	BUILDING	\$542.00
09/08/23	2022120.07-7	2022120.07	08/25/23	BUILDING	\$246.00
10/13/23	2022120.07-8	2022120.07	09/29/23	BUILDING	\$1,979.00
11/10/23	2022120.07-9	2022120.07	10/27/23	BUILDING	\$2,776.50
12/08/23	2022120.07-10	2022120.07	11/24/23	BUILDING	\$2,631.00

\$12,542.00



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023
Invoice No: 2023119.01 - 11

Invoice Total	\$1,156.50
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Project 2023119.01 Beachwood - General Engineering
Professional Services from October 28, 2023 to November 24, 2023

Task 100 General Meeting Attendance
Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	3.00	145.00	435.00
Traffic Meeting and Engineering Meeting			
Totals	3.00		435.00
Total Labor			435.00
Total this Task			\$435.00

Task 200 General Engineering(Under \$2,500.00 Fee)
Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	1.00	145.00	145.00
2024 Road Program Estimates			
Ciuni, Joseph	2.00	145.00	290.00
Ahuja Final Walk Through and Storm Water Transition Meeting			
Sr. Project Manager			
Fini, Nicholas	1.00	120.00	120.00
Sr. Engineer			
DiCesare, David	1.50	111.00	166.50
Totals	5.50		721.50
Total Labor			721.50
Total this Task			\$721.50

APPROVED FOR PAYMENT
BY: [Signature]
DATE: 12-12-23
P/O: 2023-00015

Total this Invoice **\$1,156.50** *1k*

Project	2023119.01	Beachwood - General Engineering	Invoice	11
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Outstanding Invoices

Number	Date	Balance
10	11/10/2023	2,479.50
Total		2,479.50

Billings to Date

	Current	Prior	Total
Labor	1,156.50	16,102.50	17,259.00
Add-on	0.00	-955.00	-955.00
Totals	1,156.50	15,147.50	16,304.00

GPD Associates Invoices
BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
02/10/23	2023119.01-1	2023119.01	01/27/23	BUILDING	\$1,577.00
03/10/23	2023119.01-2	2023119.01	02/24/23	BUILDING	\$2,095.00
04/14/23	2023119.01-3	2023119.01	03/31/23	BUILDING	\$952.50
05/12/23	2023119.01-4	2023119.01	04/28/23	BUILDING	\$1,608.00
06/07/23	2023119.01-5	2023119.01	05/26/23	BUILDING	\$635.50
07/14/23	2023119.01-6	2023119.01	06/30/23	BUILDING	\$1,085.00
08/11/23	2023119.01-7	2023119.01	07/28/23	BUILDING	\$725.00
09/08/23	2023119.01-8	2023119.01	08/25/23	BUILDING	\$2,526.00
10/13/23	2023119.01-9	2023119.01	09/29/23	BUILDING	\$1,464.00
11/10/23	2023119.01-10	2023119.01	10/27/23	BUILDING	\$2,479.50
12/08/23	203119.01-11	2023119.01	11/24/23	BUILDING	\$1,156.50

\$16,304.00



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023
Invoice No: 2023119.02 - 9

Invoice Total \$1,222.00

Project 2023119.02 Beachwood - Cedar Rd Culvert - George Zeiger/Acaci
Professional Services from October 28, 2023 to November 24, 2023

Task 200 Construction Admin./Inspection
Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	1.00	145.00	145.00
Sr. Engineer			
Stonitsch, Erik	2.00	111.00	222.00
Sr. Designer			
Woycitzky, Robert	6.00	86.50	519.00
Construction Coordinator			
Libert, Alicia	3.00	84.00	252.00
Libert, Alicia	1.00	84.00	84.00
Closing out the 2022 Road Program			
Totals	13.00		1,222.00
Total Labor			1,222.00
Total this Task			\$1,222.00

Billing Limits	Current	Prior	To-Date
Total Billings	1,222.00	23,480.75	24,702.75
Limit			62,500.00
Remaining			37,797.25

Total this Invoice \$1,222.00

Outstanding Invoices

Number	Date	Balance
8	11/10/2023	4,843.00
Total		4,843.00

Billings to Date

	Current	Prior	Total
Labor	1,222.00	23,230.75	24,452.75

AKRON / ATLANTA / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
INDIANAPOLIS / LOUISVILLE / PHOENIX / PITTSBURGH / SEATTLE / YOUNGSTOWN
Net 30 days.

BY: [Signature]
DATE: 2023-11-14-23
P/O: 2023-02219
APPROVED FOR PAYMENT

Project	2023119.02	Beachwood-Cedar Rd Culvert-Zeiger/Acaci			Invoice	9
Unit		0.00	250.00	250.00		
Totals		1,222.00	23,480.75	24,702.75		

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
03/10/23	2023119.02-1	2023119.02	02/24/23	SERVICE	\$290.00
05/12/23	2023119.02-2	2023119.02	04/28/23	SERVICE	\$7,043.25
06/07/23	2023119.02-3	2023119.02	05/26/23	SERVICE	\$3,480.25
07/14/23	2023119.02-4	2023119.02	06/30/23	SERVICE	\$3,944.25
08/11/23	2023119.02-5	2023119.02	07/28/23	SERVICE	\$720.00
09/08/23	2023119.02-6	2023119.02	08/25/23	SERVICE	\$865.00
10/13/23	2023119.02-6	2023119.02	09/29/23	SERVICE	\$2,295.00
11/10/23	2023119.02-8	2023119.02	10/27/23	SERVICE	\$4,843.00
12/08/23	2023119.02-9	2023119.02	11/24/23	SERVICE	\$1,222.00

\$24,702.75



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023
Invoice No: 2023119.03 - 8

Invoice Total \$2,384.00

Project 2023119.03 Beachwood - MS4 Permit Update
Max not to Exceed \$9750.00

Professional Services from October 28, 2023 to November 24, 2023

Task 100 Design - SWMP Updates

Professional Personnel

	Hours	Rate	Amount
Sr. Project Manager			
Coffey, Marilyn	.50	120.00	60.00
SWMP Draft & Summary of Updates			
Coffey, Marilyn	1.00	120.00	120.00
Reviewed SWMP			
Coffey, Marilyn	1.00	120.00	120.00
SWMP Review, Scheduling			
Coffey, Marilyn	.50	120.00	60.00
Team Communication			
Staff Engineer/Architect			
Watson, Tyler	3.00	92.00	276.00
Watson, Tyler	19.00	92.00	1,748.00
SWMP Updates			
Totals	25.00		2,384.00
Total Labor			2,384.00

Total this Task \$2,384.00

Total this Invoice \$2,384.00

Outstanding Invoices

Number	Date	Balance
7	11/10/2023	1,486.00
Total		1,486.00

Billings to Date

	Current	Prior	Total
Labor	2,384.00	7,316.50	9,700.50
Totals	2,384.00	7,316.50	9,700.50

AKRON / ATLANTA / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
INDIANAPOLIS / LOUISVILLE / PHOENIX / PITTSBURGH / SEATTLE / YOUNGSTOWN
Net 30 days.

BY: *[Signature]*
DATE: 12-12-23
P/O: 2023-00015
APPROVED FOR PAYMENT
Bldg

Project	2023119.03	Beachwood - MS4 Permit Update	Invoice	8
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GPD Associates Invoices
BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
03/10/23	2023119.03-1	2023119.03	02/24/23	BUILDING	\$918.00
04/14/23	2023119.03-2	2023119.03	03/31/23	BUILDING	\$3,302.50
06/07/23	2023119.03-3	2023119.03	05/26/23	BUILDING	\$552.00
08/11/23	2023119.03-4	2023119.03	07/28/23	BUILDING	\$368.00
09/08/23	2023119.03-5	2023119.03	08/25/23	BUILDING	\$460.00
10/13/23	2023119.03-6	2023119.03	09/29/23	BUILDING	\$230.00
11/10/23	2023119.03-7	2023119.03	10/27/23	BUILDING	\$1,486.00
12/08/23	2023119.03-8	2023119.03	11/24/23	BUILDING	\$2,384.00

\$9,700.50



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

November 29, 2023
Invoice No: 2023119.05 - 7

Invoice Total \$2,325.00

Project 2023119.05 Beachwood -Timberlane-Green Construction
P.O.# 2023-01261 \$155,000.00

Professional Services from October 28, 2023 to November 24, 2023

Task 100 Construction Admin.

Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	3.00	145.00	435.00
Sr. Engineer			
DiCesare, David	9.00	111.00	999.00
Stonitsch, Erik	5.00	111.00	555.00
Construction Coordinator			
Libert, Alicia	4.00	84.00	336.00
Totals	21.00		2,325.00
Total Labor			2,325.00
Total this Task			\$2,325.00

Billing Limits	Current	Prior	To-Date
Total Billings	2,325.00	17,630.75	19,955.75
Limit			155,000.00
Remaining			135,044.25

Total this Invoice \$2,325.00

Outstanding Invoices

Number	Date	Balance
5	10/13/2023	4,994.50
6	11/10/2023	609.50
Total		5,604.00

Billings to Date

	Current	Prior	Total
Labor	2,325.00	17,630.75	19,955.75
Totals	2,325.00	17,630.75	19,955.75

APPROVED FOR PAYMENT
BY: [Signature]
DATE: 12-14-23
P/O: 2023-01261

Project	2023119.05	Beachwood -Timberlane-Green Construction	Invoice	7
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GPD Associates Invoices
BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
04/14/23	2023119.05-1	2023119.05	03/31/23	SERVICE	\$4,516.75
05/12/23	2023119.05-2	2023119.05	04/28/23	SERVICE	\$5,162.00
06/09/23	2023119.05-3	2023119.05	05/26/23	SERVICE	\$2,126.00
09/08/23	2023119.05-4	2023119.05	08/25/23	SERVICE	\$222.00
10/13/23	2023119.05-5	2023119.05	09/29/23	SERVICE	\$4,994.50
11/10/23	2023119.05-6	2023119.05	10/27/23	SERVICE	\$609.50
12/08/23	2023119.05-7	2023119.05	11/24/23	SERVICE	\$2,325.00

\$19,955.75



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023

Invoice No: 2023119.06 - 8

Invoice Total **\$1,380.00**

Project 2023119.06 Beachwood - Dead Tree Surveys

Professional Services from October 28, 2023 to November 24, 2023

Task 179 25005 Margot/24524 Hilltop

Professional Personnel

	Hours	Rate	Amount
Field Survey Technician 3			
Novak, Rick	10.00	115.00	1,150.00
Sr. Surveyor			
Faulkner, Scott	2.00	115.00	230.00
Totals	12.00		1,380.00
Total Labor			1,380.00

Total this Task \$1,380.00

Total this Invoice \$1,380.00

Outstanding Invoices

Number	Date	Balance
7	11/10/2023	1,610.00
Total		1,610.00

Billings to Date

	Current	Prior	Total
Labor	1,380.00	8,970.00	10,350.00
Totals	1,380.00	8,970.00	10,350.00

SVC
APPROVED FOR PAYMENT
BY: [Signature]
DATE: 12-14-23
P/O: 2023-00014

GPD Associates Invoices
BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
04/14/23	2023119.06-1	2023119.06	03/31/23	SERVICE	\$230.00
05/12/23	2023119.06-2	2023119.06	04/28/23	SERVICE	\$1,610.00
07/14/23	2023119.06-3	2023119.06	06/30/23	SERVICE	\$2,070.00
08/11/23	2023119.06-4	2023119.06	07/28/23	SERVICE	\$1,150.00
09/08/23	2023119.06-5	2023119.06	08/25/23	SERVICE	\$1,150.00
10/13/23	2023119.06-6	2023119.06	09/29/23	SERVICE	\$1,150.00
11/10/23	2023119.06-7	2023119.06	10/27/23	SERVICE	\$1,610.00
12/08/23	2023119.06-8	2023119.06	11/24/23	SERVICE	\$1,380.00

\$10,350.00



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023
Invoice No: 2023119.10 - 1

Invoice Total	\$1,994.00
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Project 2023119.10 Beachwood- Playground Construction Phase

Max not to Exceed \$75,000.00

Professional Services from October 28, 2023 to November 24, 2023

Task 100 Construction Admin.

Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	3.00	145.00	435.00
Sr. Project Manager			
Fini, Nicholas	2.50	120.00	300.00
Design Engineer			
Saunders, Andrew	11.00	103.00	1,133.00
Construction Coordinator			
Libert, Alicia	1.50	84.00	126.00
Totals	18.00		1,994.00
Total Labor			1,994.00

Total this Task 1,994.00

Total this Invoice 1,994.00

Billings to Date

	Current	Prior	Total
Labor	1,994.00	0.00	1,994.00
Totals	1,994.00	0.00	1,994.00

SVC
APPROVED FOR PAYMENT
BY: [Signature]
DATE: 12-14-23
P/O: 2023-02674

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
12/08/23	2023119.10-1	2023119.10	11/24/23	SERVICE	\$1,994.00

\$1,994.00



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

City of Beachwood
Attn: Carol Morrison
Accounts@beachwoodohio.com
25325 Fairmount Blvd.
Beachwood, OH 44122

December 08, 2023
Invoice No: 2023119.50 - 9

Invoice Total **\$2,124.00**

Project 2023119.50 Beachwood - Playground Construction Documents
P.O.#2023-00766 \$126,550.00

Professional Services from October 28, 2023 to November 24, 2023

Task 390 Final Site Plans
Professional Personnel

	Hours	Rate	Amount
Project Principal			
Sferra, Leonardo	.50	145.00	72.50
Sr. Project Manager			
Valentic, Ivan	2.00	120.00	240.00
CAD Drafter			
Davis, Bridget	.50	71.00	35.50
Totals	3.00		348.00
Total Labor			348.00
Total this Task			\$348.00

Task 690 Bidding Support
Professional Personnel

	Hours	Rate	Amount
Sr. Landscape Architect			
Caldwell, Jarlath	16.00	111.00	1,776.00
Totals	16.00		1,776.00
Total Labor			1,776.00
Total this Task			\$1,776.00

Billing Limits	Current	Prior	To-Date
Total Billings	2,124.00	124,008.75	126,132.75
Limit			126,550.00
Remaining			417.25

Total this Invoice **\$2,124.00**

BY: [Signature]

DATE: 12-11-23

P/O: 2023-00766

AKRON / ATLANTA / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
INDIANAPOLIS / LOUISVILLE / PHOENIX / PITTSBURGH / SEATTLE / YOUNGSTOWN
Net 30 days.

Project	2023119.50	Beachwood - Playground CDs	Invoice	9
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Outstanding Invoices

Number	Date	Balance
8	11/10/2023	5,040.00
Total		5,040.00

Billings to Date

	Current	Prior	Total
Labor	2,124.00	123,508.75	125,632.75
Unit	0.00	500.00	500.00
Totals	2,124.00	124,008.75	126,132.75

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
04/14/23	2023119.50-1	2023119.50	03/31/23	SERVICE	\$6,665.50
05/12/23	2023119.50-2	2023119.50	04/28/23	SERVICE	\$18,855.00
06/06/23	2023119.50-3	2023119.50	05/26/23	SERVICE	\$17,745.50
07/14/23	2023119.50-4	2023119.50	06/30/23	SERVICE	\$12,743.50
08/11/23	2023119.50-5	2023119.50	07/28/23	SERVICE	\$25,878.25
09/08/23	2023119.50-6	2023119.50	08/25/23	SERVICE	\$11,792.25
10/13/23	2023119.50-7	2023119.50	09/29/23	SERVICE	\$25,288.75
11/10/23	2023119.50-8	2023119.50	10/27/23	SERVICE	\$5,040.00
12/08/23	2023119.50-9	2023119.50	11/24/23	SERVICE	\$2,124.00

\$126,132.75



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

City of Beachwood
Attn: Chief Katherine Dolan
kate.dolan@beachwoodohio.com
2700 Richmond Road
Beachwood, OH 44122

December 08, 2023
Invoice No: 2023119.90 - 11

Invoice Total **\$3,354.00**

Project 2023119.90 Beachwood - Traffic Services 2023
Letter Proposal
Max Not to Exceed \$36,000.00

Professional Services from October 28, 2023 to November 24, 2023

Task 150 November Traffic Services

Professional Personnel

	Hours	Rate	Amount
Sr. Project Manager			
Westbrooks, Kevin	10.00	120.00	1,200.00
Sr. Engineer			
Ferrell, Brett	2.00	111.00	222.00
Staff Engineer/Architect			
Barco, Ryan	8.50	92.00	782.00
Tondra, Brandon	12.50	92.00	1,150.00
Totals	33.00		3,354.00
Total Labor			3,354.00

Total this Task \$3,354.00

Billing Limits	Current	Prior	To-Date
Total Billings	3,354.00	23,073.50	26,427.50
Limit			36,000.00
Remaining			9,572.50

Total this Invoice \$3,354.00

Outstanding Invoices

Number	Date	Balance
10	11/10/2023	2,077.50
Total		2,077.50

BY: [Signature]
DATE: 12/18/23
P/O: 2023-00190

APPROVED FOR PAYMENT

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

					TOTAL
INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	COST
02/10/23	2023119.90-1	2023119.90	01/27/23	POLICE	\$480.00
03/10/23	2023119.90-2	2023119.90	02/24/23	POLICE	\$2,210.44
04/14/23	2023119.90-3	2023119.90	03/31/23	POLICE	\$2,271.00
05/12/23	2023119.90-4	2023119.90	04/28/23	POLICE	\$2,124.00
06/08/23	2023119.90-5	2023119.90	05/26/23	POLICE	\$4,103.06
07/14/23	2023119.90-6	2023119.90	06/30/23	POLICE	\$2,831.50
08/11/23	2023119.90-7	2023119.90	07/28/23	POLICE	\$660.00
08/30/23	2023119.90-8R	2023119.90	08/25/23	POLICE	\$1,791.00
10/13/23	2023119.90-9	2023119.90	09/29/23	POLICE	\$4,525.00
11/10/23	2023119.90-10	2023119.90	10/27/23	POLICE	\$2,077.50
12/08/23	2023119.90-11	2023119.90	11/24/23	POLICE	\$3,354.00

\$26,427.50



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023
Invoice No: 2023120.03 - 1

Invoice Total	\$533.50
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Project 2023120.03 Beachwood - Skoda Dental
Professional Services from October 28, 2023 to November 24, 2023

Task 100 Plan Review
Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	1.00	145.00	145.00
Sr. Engineer			
Gorman, Jacqueline	3.50	111.00	388.50
Totals	4.50		533.50
Total Labor			533.50
Total this Task			\$533.50

Billing Limits	Current	Prior	To-Date
Total Billings	533.50	0.00	533.50
Limit			4,000.00
Remaining			3,466.50

Total this Invoice \$533.50 1/2

Billings to Date

	Current	Prior	Total
Labor	533.50	0.00	533.50
Totals	533.50	0.00	533.50

Bldg
APPROVED FOR PAYMENT
BY: [Signature]
DATE: 12-12-23
P/O: 2023-00115

GPD Associates Invoices
BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
12/08/23	2023120.03-1	2023120.03	11/24/23	BUILDING	\$533.50

\$533.50



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023
Invoice No: 2023120.04 - 1

Invoice Total	\$721.00
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Project 2023120.04 Beachwood - True North Improvements
Professional Services from October 28, 2023 to November 24, 2023

Task 101 Inspection

Professional Personnel

	Hours	Rate	Amount
Design Engineer			
Hamkar, Mohammad Hassan	4.00	103.00	412.00
Hamkar, Mohammad Hassan	3.00	103.00	309.00
Totals	7.00		721.00
Total Labor			721.00
Total this Task			\$721.00
Total this Invoice			\$721.00

Billings to Date

	Current	Prior	Total
Labor	721.00	0.00	721.00
Totals	721.00	0.00	721.00

Bldg
APPROVED FOR PAYMENT
BY: _____
DATE: 12-12-23
P/O: 2023-00115

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
12/08/23	2023120.04-1	2023120.04	11/24/23	BUILDING	\$721.00

\$721.00



Remit Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

Invoice

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

December 08, 2023
Invoice No: 2023120.05 - 1

Invoice **\$847.00**
Total

Project 2023120.05 Beachwood - Apts. - Parking Lot Repairs
Max not to Exceed \$2,500.00

Professional Services from October 28, 2023 to November 24, 2023

Task 100 Plan Review and inspection

Professional Personnel

	Hours	Rate	Amount
Design Engineer			
Hamkar, Mohammad Hassan	7.00	103.00	721.00
Construction Coordinator			
Libert, Alicia	1.50	84.00	126.00
Totals	8.50		847.00
Total Labor			847.00

Total this Task **\$847.00**

Billing Limits

	Current	Prior	To-Date
Total Billings	847.00	0.00	847.00
Limit			2,500.00
Remaining			1,653.00

Total this Invoice **\$847.00**

Bldg
APPROVED FOR PAYMENT
BY: *[Signature]*
DATE: *12-12-23*
P/O: *2023-0015*

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
12/08/23	2023120.05-1	2023120.05	11/24/23	BUILDING	\$847.00

\$847.00



MICHAEL H. WILDERMUTH, AIA, ARCHITECT

December 7, 2023

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

Re: Building Department
Plan Review Services for November 2023

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

Plan Review for the month of November 2023 \$250.50

Cost Breakdown Sheet Attached


Total amount due..... \$250.50

Respectfully,

Michael H. Wildermuth

All General Fund

Michael H. Wildermuth, AIA
Master Plans Examiner

APPROVED FOR PAYMENT
BY: 
DATE: 12-11-23
P/O:



MICHAEL H. WILDERMUTH, AIA, ARCHITECT
Beachwood Plan Review

		June 2023		
MHW	Beachwood	Job Name	Time	
Job No	Receipt No.			
CB2315-1 11-13-2023	2022-07600 1	Dr. Freirich Offices	3.0H	\$250.50
		Total	3 H	\$250.50



1000 Key Tower
127 Public Square
Cleveland, OH 44114
United States
Tel: +1.216.479.8500
Fax: +1.216.479.8780

City of Beachwood
Attn: Larry Heiser
Finance Director
2700 Richmond Road
Beachwood, Ohio 44122

Invoice Number: 10490537
Invoice Date: 11/22/23
Matter Number: 011736.00148

Economic Development Matters

INVOICE SUMMARY

Fees:	\$ 7,005.00
Disbursements:	\$ 0.00
Amount Due for this Invoice:	\$ 7,005.00

PAYMENT INSTRUCTIONS

Remit Check Payments to:

Squire Patton Boggs (US) LLP
P.O. Box 643051
Cincinnati, OH 45264
Phone: 216.687.3400
Fax: 216.687.3401

Remit Wire Payments to:

Squire Patton Boggs (US) LLP
US Bank
425 Walnut St.
Cincinnati, OH 45264
Bank Routing #042000013
Bank Account #576762314

For Wires outside the US:

US Bank, USA
SWIFT Code: USBKUS44IMT
Bank Account #576762314

Direct Billing Inquiries to:

Russell W. Balthis
1000 Key Tower
127 Public Square
Cleveland, OH 44114
United States
Phone: +1.216.479.8500
Fax: +1.216.479.8780
email: russell.balthis@squirepb.com

Please Include Reference Number 10490537/011736.00148 with all Payments
Tax Identification Number 34-0648199

Michael J. Ky
11/30/23
CJH 11/30/23
~~ch~~



1000 Key Tower
127 Public Square
Cleveland, OH 44114
United States
Tel: +1.216.479.8500
Fax: +1.216.479.8780

City of Beachwood
Attn: Larry Heiser
Finance Director
2700 Richmond Road
Beachwood, Ohio 44122

Invoice Number: 10490537
Invoice Date: 11/22/23
Matter Number: 011736.00148

REMITTANCE COPY

Economic Development Matters

INVOICE SUMMARY

Fees:	\$ 7,005.00
Disbursements:	\$ 0.00
Amount Due for this Invoice:	\$ 7,005.00

PAYMENT INSTRUCTIONS

Remit Check Payments to:	Remit Wire Payments to:	Direct Billing Inquiries to:
Squire Patton Boggs (US) LLP P.O. Box 643051 Cincinnati, OH 45264 Phone: 216.687.3400 Fax: 216.687.3401	Squire Patton Boggs (US) LLP US Bank 425 Walnut St. Cincinnati, OH 45264 Bank Routing #042000013 Bank Account #576762314 For Wires outside the US: US Bank, USA SWIFT Code: USBKUS44IMT Bank Account #576762314	Russell W. Balthis 1000 Key Tower 127 Public Square Cleveland, OH 44114 United States Phone: +1.216.479.8500 Fax: +1.216.479.8780 email: russell.balthis@squirepb.com

Please Include Reference Number 10490537/011736.00148 with all Payments
Tax Identification Number 34-0648199

11/22/23

Economic Development Matters

Page 3

Invoice Number: 10490537

Economic Development Matters**LEGAL SERVICES**

DATE	HOURS	TIMEKEEPER	NARRATIVE
10/02/23	2.50	R. Balthis	Attention to economic development loan program.
10/03/23	0.25	R. Balthis	Attention to phone conference with City regarding Resolution draft and next steps.
10/10/23	0.25	R. Balthis	Attention to email, revolving loan fund documentation and structure.
10/11/23	1.25	R. Balthis	Preparation for and participation in phone conference with City. Attention to revolving loan fund structure and form agreements.
10/12/23	0.25	R. Balthis	Attention to email and Revolving Loan Fund Program ordinance.
10/13/23	0.25	R. Balthis	Attention to Eaton TIF extension.
10/16/23	0.75	R. Balthis	Attention to TIF Extension. Attention to Revolving Loan Fund and Direct Deposit Program
10/17/23	0.75	R. Balthis	Preparation for and participation in working group phone conference regarding TIF extension and Revolving Loan Program.
10/23/23	0.25	R. Balthis	Attention to Eaton TIF Extension proceedings.
10/24/23	1.25	R. Balthis	Attention to TIF Extension, phone conference regarding future development plans and TIF strategy.
10/25/23	0.25	H. Baldwin Vlasuk	Telephone conference with R. Balthis on need for amendment to City TIF Ordinance and discussions of action items.
10/25/23	0.50	R. Balthis	Attention to TIF Extension Proceedings.
10/27/23	1.50	H. Baldwin Vlasuk	Work on TIF Ordinance extending TIF.
10/27/23	0.25	R. Balthis	Attention to revolving loan program and drafting of program authorizing documents.
10/28/23	1.50	R. Balthis	Attention to establishment of Revolving Loan Fund.
10/29/23	1.25	R. Balthis	Attention to Revolving Loan Fund authorization. Review and revise documents and phone conference with City regarding the same.
10/30/23	1.00	H. Baldwin Vlasuk	Revise and finalize TIF Amending Ordinance; prepare a school district notice.
10/30/23	0.50	R. Balthis	Attention to revolving loan program.

TOTAL HOURS:**14.50**

SQUIRE PATTON BOGGS (US) LLP

011736.00148

11/22/23

Economic Development Matters

Page 4

Invoice Number: 10490537

TIME SUMMARY			
TIMEKEEPER	HOURLY RATE	HOURS	TOTAL
ASSOCIATES			
Heather Baldwin Vlasuk	475.00	2.75	1,306.25
Russell Balthis	485.00	11.75	5,698.75
TOTAL FOR ASSOCIATES:		14.50	7,005.00
TOTAL SERVICES:		14.50	\$ 7,005.00

11/22/23

Page 5

Economic Development Matters

Invoice Number: 10490537

MATTER TOTAL	
TOTAL SERVICES:	\$ 7,005.00
TOTAL DISBURSEMENTS:	\$ 0.00
TOTAL AMOUNT DUE FOR THIS MATTER:	\$ 7,005.00

✓
V&RICH

1 Main Avenue, 4th Floor : Cleveland, Ohio 44113 | p. 216 696 4441 | f. 216 696 1618 | zrlaw.com

RECEIVED

DEC 11 2023

FINANCE DEPT



DATE: 10/31/2023

P.O. NUMBER: 2021-00552

CLIENT: Beachwood, City of
Attn: Accounts Payable
25325 Fairmount Blvd.
Beachwood, Ohio 44122
accounts@beachwoodohio.com

Privileged & Confidential

CLIENT Beachwood - General

MATTER: 4318-20-01

INVOICE: 144009

Total Fees for Services Rendered

\$48.00

Total Expenses

\$0.00

Total Amount Due for this Matter

\$48.00

BILL SUMMARY

Total Fees for Services Rendered

\$48.00

Total Expenses

\$0.00

Total Amount Due for this Invoice

\$48.00

APPROVED FOR PAYMENT

BY: ME Suplot

DATE: 12/15/23

P/O: 2023-02022

✓



RECEIVED

DEC 7 2023

mce1

Bill To:
City of Beachwood
Attention: Accounts Payable
Attn: Accounts Payable
Beachwood, OH 44122

FINANCE DEPT

Invoice Number RN15764
Invoice Date 12/6/2023
PO Number
Payment Terms Net 30
Customer ID BEACHWDOH01
End Customer ID Beachwood

Reference: Annual Billing for 2024-2025

JustFOIA Pro Renewal Coverage Period: 2/20 - 2/19

Description

Extended
Amount

Subscription (JF)

Product Group
Total \$7,224.53

Subtotal	\$7,224.53
Downpayment Applied	-\$0.00
Sales Tax	\$0.00
Total Due	\$7,224.53

Electronic Payment Information:
JustFOIA Operating
c/o Enterprise Bank
ABA: 081006162
Account: 1512286
(800) 342-2633

Thank you for your business.

Mail-in Payment Information
JustFOIA, Inc.
c/o Enterprise Bank
P.O. Box 790379
St. Louis, MO 63179-0379
(800) 342-2633

3717 Apalachee Parkway, Suite 201
Tallahassee, FL 32311

Jaw
BY: M. Supler
DATE: 12/7/23
P/O: _____

City of South Euclid

1349 South Green Rd.
South Euclid, Oh 44121
Phone# 216-381-0400

Invoice # 13873

CITY OF BEACHWOOD
POLICE DEPARTMENT
ATTN: CHIEF MCLAUGHLIN
25325 Fairmount Blvd.
Beachwood, OH 44122



RECEIVED
DEC 4 2023
FINANCE DEPT

Date: 10/2/2023

DESCRIPTION	AMOUNT
2023 EDGE CONTRIBUTION FOR BEARCAT	\$ 28,746.96
I DO HEREBY CERTIFY THERE ARE (AND WERE AT TIME OF RENDERING OF SERVICES) SUFFICIENT FUNDS LAWFULLY APPROPRIATED OR IN THE PROCESS OF COLLECTION TO SUPPORT THE PROPOSED EXPENDITURE REFERENCED IN THE ATTACHED DOCUMENT	
APPROVED FOR PAYMENT	
BY: <u>[Signature]</u>	Approved <u>[Signature]</u> 12/5/23 Finance Director
DATE: <u>12/1/23</u>	
P/O: <u>2023-02443</u>	
Thank You!	
Make all checks payable to City of South Euclid.	
If you have any questions concerning this invoice, contact Sabrina Fritz, Finance Department, 216-381-0400 ext 217, Email stonschock@seuclid.com	
THANK YOU!	
SUBTOTAL	\$ 28,746.96
TAX RATE	
SALES TAX	
OTHER	
TOTAL	\$ 28,746.96

THE GOODYEAR TIRE & RUBBER CO.
7230 NORTHFIELD RD
WALTON HILLS, OH 44146
440-735-9910 Fax 440-735-9913

INVOICE NO.
~~~073-1098151~~~  
COPY 002

\*\*\*\*\* Visit us at goodyearctsc.com \*\*\*\*\*

126382-0001  
CITY OF BEACHWOOD  
23355 MERCHANTILE RD  
BEACHWOOD, OH 44122  
216-595-5461  
PO #:2023-02702

RECEIVED

DEC 12 2023

FINANCE DEPT

Approved  
2023 12/14/23  
Finance Director

PAGE 01  
INVOICE DATE:12/05/2023  
PICKED UP AT SHOP  
LOCATION/SREP: 073/150  
APPROVAL NUM : G0009147  
2023-12-11 14.17.33 EC  
CLERK: EC TECH:

| QUANTITY | PRODUCT NO. | DESCRIPTION                     | FET   | UNIT PRICE | T<br>A<br>X | AMOUNT  | LINE |
|----------|-------------|---------------------------------|-------|------------|-------------|---------|------|
|          |             | PER JOE                         |       |            |             |         |      |
|          |             | SEE QUOTE 1098150               |       |            |             |         |      |
| 4        | 767517537   | GY 225/65R17 ASSUR WEATHERREADY | 0.00* | 131.89     |             | 527.56  | 0    |
| 6        | 139755205   | GY 225/70R19.5 G622 RSD TL 14   | 0.00* | 313.32     |             | 1879.92 | 0    |
| 3        | 139172053   | GY 225/70R19.5 G647 RSS TL 14   | 0.00* | 308.40     |             | 925.20  | 0    |
| 9        | 040100000   | OHIO NEW TIRE FEE               | 0.00* | 1.00       |             | 9.00    | 0    |
| 4        | 040100000   | OHIO NEW TIRE FEE               | 0.00* | 1.00       |             | 4.00    | 0    |

CUSTOMER BILLING REQUIREMENTS (GOODYEAR TIRE & RUBBER CO):  
SERVICE TICKET NUMBER NA

The Tire Industry Association (TIA) recommends re-torque at 50-100 miles.

Disposal fees may apply in some areas.

Shop supply fees cover miscellaneous materials used in servicing your vehicle that do not appear elsewhere on this invoice and for profit.

I DO HEREBY CERTIFY THERE ARE (AND WERE) NO OTHER CHARGES OR FEES ASSOCIATED WITH THIS INVOICE OR IN THE PROCESS OF COLLECTION TO SUPPORT THE PROPOSED EXPENDITURE REFERENCED IN THE ATTACHED DOCUMENT

Remit payment to:

The Goodyear Tire & Rubber Company  
7230 NORTHFIELD RD  
WALTON HILLS, OH 44146

APPROVED FOR PAYMENT

BY: [Signature]

DATE: 12-14-23

TERMS: NET 30  
DUE : 01/04/2024 - 3,345.68  
P/O: 2023-02702  
SUB-TOTAL 3,345.68  
SALES TAX (0.00)  
TOTAL AMT 3,345.68

no further discounts allowed. It is agreed that title to the above described property shall remain in the name of the seller until paid in full, and that upon default in payment, seller shall be entitled to take possession thereof without notice to the purchaser.

the total amount due is paid in full within terms, no FINANCE CHARGE will be incurred on that amount; otherwise, a FINANCE CHARGE will be computed on the previous balance after deducting payments and credit received during the current month. The

FINANCE CHARGE is computed at a periodic rate of 0.82500 which is an annual percentage rate of 9.90000

seller warrants that the tires are the size and tread design as stated above. SELLER MAKES NO OTHER WARRANTIES EITHER EXPRESSED OR IMPLIED, SPECIFICALLY, SELLER MAKES NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. Seller's sole obligation to Buyer for nonconforming tires shall be prorated a refund of the tire's purchase price. Seller shall not be liable for any indirect, consequential or other damages. No person is authorized to modify or waive the limitations herein, whether orally or in writing. All returned goods must be accompanied by this bill.

INTRODUCED BY:

ORDINANCE NO. 2024-12

AN ORDINANCE AUTHORIZING AN EMERGENCY PURCHASE ORDER; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the Finance Director has requested an Emergency Purchase Order in an amount not to exceed Two Hundred Fifty Thousand Dollars and No/Cents (\$250,000.00); and

WHEREAS, this Purchase Order was previously budgeted for and will likely remain a part of the regular Finance Department Budget but never utilized; and

WHEREAS, the Mayor and Council President are authorized to enter into Contracts under this Emergency Purchase Order for items in excess of the Mayor's Spending Authority (\$25,000.00) in accordance with BCO 121.09. If the Council President is unavailable for any reason, the Council Vice President can authorize any Contracts under this Emergency Purchase Order; and

WHEREAS, this Emergency Purchase Order would be used in the event of a catastrophic loss or emergency and to heighten the preparedness levels of 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: Based upon the approval of Council, the Finance Director and Mayor are hereby authorized and directed to open a Purchase Order in an amount not to exceed Two Hundred Fifty Thousand Dollars and No/Cents (\$250,000.00) to be used in the event of a major catastrophic emergency or loss. The Mayor and President of City Council or Vice President of City Council are authorized to enter into an emergency Contract under this Emergency Purchase Order until the next Regular Council Meeting.

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 necessary for the preservation of the public peace, health, or safety or the efficient operation of the City, and for the further reason to heighten preparedness levels for the City of Beachwood, Ohio; 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 8<sup>th</sup> day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9<sup>th</sup> day of January, 2024.

\_\_\_\_\_  
Clerk

Approval: I have approved this legislation this 9<sup>th</sup> day of January, 2024, and filed it with the Clerk.

\_\_\_\_\_  
Mayor



**AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE APPROVAL OF, ZONING REVIEWS AND PERMITS, BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, AND OTHER PERMITS AND LICENSES FOR ANY BUILDING, STRUCTURE, USE, OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION, OR SALE OF ADULT USE CANNABIS FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE AND LOCAL LAWS; TO PLAN FOR REGULATIONS RELATING TO SUCH USES; AND DECLARING THIS TO BE AN URGENT MEASURE.**

WHEREAS, on November 7, 2023, Ohio voters passed Issue 2 to enact Chapter 3780 of the Ohio Revised Code, effective December 7, 2023, which legalized and provided for the regulation of “adult use cannabis” as defined in Section 3780.01 of the Revised Code, including cultivation, processing, sale, purchase, possession, and home growth;

WHEREAS, the Ohio Senate passed H.B. 86 on December 6, 2023, which made changes to the provisions in Chapter 3780 enacted by the passage of Issue 2, but H.B. 86 remains pending in the Ohio House of Representatives;

WHEREAS, Section 3780.25 of the Ohio Revised Code gives this Council the authority to adopt an ordinance to prohibit, or limit the number of adult use cannabis operators licensed under Ohio Revised Code Chapter 3780 of the Revised Code within the City;

WHEREAS, pursuant to the City Charter, as well as the Ohio Constitution, this Council also has the inherent power to enact planning, zoning and business regulations and laws that further the health, safety, welfare, and peace of its citizens, including restricting or prohibiting certain business uses;

WHEREAS, this Council has determined that the public peace, health, safety, and general welfare is preserved by establishing a moratorium on the applications for zoning approvals, building permits, and certificates of occupancy related to adult use cannabis while the legislature deliberates changes to Ohio Revised Code Chapter 3780.

WHEREAS, this Council has further determined that additional time is needed to review the applicable sections of Ohio Revised Code Chapter 3780 once the amendments go into effect, as well as the City’s Codified Ordinances, and to plan for and formulate a response to adult use of cannabis within the City.

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

Section 1. This Council hereby establishes a moratorium on the acceptance of any application for, and the approval of, any zoning reviews and permits, building permits, certificates of occupancy, and any other permits and licenses for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution, or sale of adult use cannabis in the City of Beachwood for a period of six (6) months from the effective date of this Ordinance.

Section 2. No existing business in the City of Beachwood shall change or expand in any way that would establish the cultivation, processing, distribution, or sale of adult use cannabis for the duration of the moratorium period established by this Ordinance.

Section 3. All formal actions of this Council related to this Ordinance and all deliberations of this Council and of any of its Committees that resulted in such 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 necessary for the immediate preservation for the public peace, health and safety of the City and the inhabitants thereof for the reason that this action is necessary to enable the City to fully study the impacts of Chapter 3780 of the Ohio Revised Code and its effects on the City and the health, safety and general welfare of its inhabitants, and provided it receives approval of two-thirds of the members of Council, shall be in full force and effect from and after 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 8<sup>th</sup> day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter o the 9<sup>th</sup> day of January, 2024.

---

Clerk

Approval: I have approved this legislation this 9<sup>th</sup> day of January, 2024, and filed it with the Clerk.

---

Mayor

**BEACHWOOD PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMORANDUM**

**TO:** Mayor Justin Berns

**FR:** Chris Arrietta, Public Works Director

**DT:** December 27, 2023

**RE:** Council Agenda Item: MCIP Funding

---

Mayor,

In January of 2024, the Public Works Department will be moving forward with the Green and Timberlane Sanitary Relief Sewer Project. Catts Construction was the lowest and best bidder for this project and construction will start on Campus Road. This improvement to our infrastructure was recommended by the Northeast Ohio Sewer District (NEORS) as a direct result of the Heights Hilltop Interceptor Study.

In May of 2023, we applied for \$1.6 million in Member Community Infrastructure Program (MCIP) funding from NEORS for this project. We received the full amount requested and at this time we will need council approval for the funding to be released to the City of Beachwood. With your permission, I would like to place this item on the next council agenda. Please let me know if you have any questions in regards to this project.

INTRODUCED BY:

ORDINANCE NO. 2024-14

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMBER COMMUNITY INFRASTRUCTURE GRANT PROGRAM AGREEMENT (MCIP) WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT ("NEORS") FOR THE TIMBERLANE/GREEN SANITARY RELIEF SEWER PROJECT PHASE 1; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, NEORS established the Member Community Infrastructure Program ("MCIP") to provide water resource project funding opportunities to member communities for sewer infrastructure projects in the NEORS service area; and

WHEREAS, in response to NEORS's request for MCIP Proposals, The City of Beachwood, Ohio applied for the Timberlane/Green Sanitary Relief Sewer Project Phase 1; and

WHEREAS, NEORS has determined that the proposed Timberlane/Green Sanitary Relief Sewer MCIP Project Phase 1 will address water quality and quantity issues associated with sewer infrastructure that adversely impacts human health and the environment; and

WHEREAS, the Public Works Director and City Engineer has recommended entering into this MCIP Grant Agreement.

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 authorized to enter into and execute any necessary agreements for the Member Community Infrastructure Grant Program and.

Section 2: The Mayor is authorized and directed to accept Grant Funds in an amount not to exceed One Million Six Hundred Thousand Dollars and No/Cents (\$1,600,000.00).

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 necessary for the public peace, health, or safety or the efficient operation of the City, and for the further reason that these grant funds may be obtained immediately; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

ORDINANCE NO. 2024-14

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 8<sup>th</sup> day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9<sup>th</sup> day of January, 2024.

\_\_\_\_\_  
Clerk

Approval: I have approved this legislation this 9<sup>th</sup> day of January, 2024, and filed it with the Clerk.

\_\_\_\_\_  
Mayor

**MEMBER COMMUNITY INFRASTRUCTURE GRANT PROGRAM AGREEMENT  
BY AND BETWEEN  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
AND  
CITY OF BEACHWOOD  
FOR  
TIMBERLANE/GREEN SANITARY RELIEF SEWER PHASE 1  
  
CONSTRUCTION ONLY**

THIS AGREEMENT ("Agreement") is entered into as of the 1st day of January 2024 ("Effective Date"), by and between the Northeast Ohio Regional Sewer District ("District"), a regional sewer district organized and existing as a political subdivision under Chapter 6119 of the Ohio Revised Code, pursuant to the authority of Resolution No. 203-23, adopted by the District's Board of Trustees on August 3, 2023 (Exhibit "A"), and the City of Beachwood ("Member Community"), a political subdivision of the State of Ohio, acting pursuant to Ordinance No. \_\_\_\_\_, passed on \_\_\_\_\_, 2023 (Exhibit "B"). The District and the Member Community may be collectively referred to herein as "Parties."

**RECITALS:**

WHEREAS, the District is interested in assisting member communities with water quality and quantity issues associated with sewer infrastructure that adversely impact human health and the environment; and

WHEREAS, Ohio law authorizes regional water and sewer districts to enter into grant agreements with political subdivisions for water resource projects; and

WHEREAS, pursuant to Ohio Revised Code Chapter 6119, generally, and Ohio Revised Code Section 6119.06(F), the District established the Member Community Infrastructure Program ("MCIP") to provide water resource project funding opportunities to member communities and other qualified political subdivisions for sewer infrastructure projects in the District's service area; and

WHEREAS, the District issued a Request for MCIP Proposals (Exhibit "C"); and

WHEREAS, in response to the District's Request for MCIP Proposals, the Member Community, a District member community, submitted an application for Timberlane/Green Sanitary Relief Sewer Phase 1 (the "Project" or "MCIP Project"), attached hereto as Exhibit "D;"

WHEREAS, the District has determined that the MCIP Project will address water quality and quantity issues associated with sewer infrastructure that adversely impacts human health and the environment.

NOW THEREFORE, in consideration of the foregoing, the grant to be made by the District and the mutual promises contained in this Agreement, the parties agree as follows:

**Article 1. The MCIP Project**

- 1.1. The MCIP Project. The Member Community will manage, design, procure and construct the MCIP Project, which generally consists of the construction of a new relief sewer and increasing the capacity of the existing sewer in the project area, as set forth in Exhibit "D."
- 1.2. Performance Goal and Verification. The performance goal for the MCIP Project is set forth in Exhibit D. At the request of the District, the Member Community will provide data relevant to the project performance verification as set forth in Exhibit C. The Member Community agrees to provide the District with post-construction verification of the performance goal. Failure to do so may impact future grant awards.
- 1.3. Compliance with District's Code of Regulations. The MCIP Project shall be designed and constructed to ensure compliance with the District's Code of Regulations. The goal of the MCIP is to reduce water quality and quantity issues that impact human health and the environment associated with combined or separate sanitary and/or storm sewer infrastructure problems.
- 1.4. Permits and Approvals. The Member Community shall obtain and pay the cost of all required federal, state, and local approvals, including permits, necessary to initiate and complete the MCIP Project.
- 1.5. Affected Property Owners. The Member Community shall obtain all easements, rights of entry, and other necessary legal agreements with affected property owners to perform construction and to bind any successor in title to maintain compliance as required in this Agreement. The costs of obtaining such legal agreements are eligible for MCIP funding, if they are part of the proposal and approved by the District.
- 1.6. MCIP Project Modifications. The Member Community shall submit requests to modify the budget, deadlines, deliverables, or other components of the Project to the District Representative for approval at least fifteen (15) business days



prior to the execution of the modification. Any modification to the MCIP Project must be approved by the District Representative in writing.

- 1.7. Photographs of MCIP Project. The District shall have the right to observe, monitor, inspect, and photograph the MCIP Project at any and all stages of design and construction, as well as post-construction.

## **Article 2. Design and Construction of the MCIP Project**

- 2.1. District Review of Design Work. The Parties agree that the District shall have the right to review and comment on the final MCIP Project design plans prior to construction. The Member Community shall submit the final MCIP Project design plans to the District Representative, Brian Paige, paigeb@neorsd.org, in a timely manner that provides the District with at least fifteen (15) business days to review. Any modification to the MCIP Project must be submitted to the District Representative in writing.
- 2.2. MCIP Project Meetings. The District shall have the right to attend all MCIP Project progress meetings and shall receive at least five (5) business days advance notice of all such meetings.
- 2.3. Member Community to Bid and Construct MCIP Project. After the District's review of the MCIP Project design in accordance with Article 2.1 above, the Member Community shall bid and complete the construction work pursuant to the final MCIP Project plans and specifications and in accordance with all applicable laws and regulations. The Member Community shall be responsible for construction procurement, supervision, and inspection in accordance with the terms of this Agreement. The Member Community shall provide the District Representative a copy of the awarded bid.
- 2.4. Construction Schedule. The District shall have the right to review and provide written comments to the proposed MCIP Project construction schedule, prior to the selected contractor beginning field activities.
- 2.5. Pre-Construction and Construction Meetings. The District shall have the right to attend all pre-construction and construction meetings with the MCIP Project contractor. The Member Community shall notify the District Representative, in writing or via e-mail, of such meetings at least five (5) business days prior to the meeting date.



- 2.6. Daily Construction Supervision. The District is not required to and will not provide any daily construction supervision, or inspection and testing services for the MCIP Project.
- 2.7. Record Drawings. The Member Community shall provide to the District Representative record drawings, approved by the Member Community's Engineer, at the closure of the MCIP Project.
- 2.8. District Request for Construction Progress Meetings. The Member Community agrees to meet with the District to review the MCIP construction project status and progress, as may be requested by the District.
- 2.9. Payment of Prevailing Wage. The Member Community shall be responsible for determining whether the payment of prevailing wages, as set forth in Chapter 4115 of the Ohio Revised Code, are required for labor used in constructing the MCIP Project, and shall ensure compliance with any prevailing wage requirements in such Chapter.

### **Article 3. Ownership, Operation, and Maintenance**

- 3.1. Member Community Operation and Maintenance Responsibilities. During construction and after construction, the Member Community shall own, operate, and maintain the MCIP Project. The Member Community shall reimburse the District in an amount equal to one hundred percent (100%) of the District Funds provided by the District under this Agreement if this provision is violated. In the event that the District determines a violation of this section has occurred, the District shall notify the Member Community in writing. The Parties agree to resolve any dispute relating to such alleged violation in accordance with the procedure set forth in Article 9 of this Agreement.
- 3.2. Post-Construction Operation and Maintenance Plan. The Member Community shall provide the District with a letter referencing the post- construction operation and maintenance plan for the MCIP Project. Operation and maintenance plans shall be updated by the Member Community, as may be necessary, and as may be requested by the District.
- 3.3. Maintenance Inspection Records. The Member Community shall maintain a record of the Member Community's maintenance inspections and overall performance of the MCIP Project for at least three (3) years and shall submit a copy to the District upon reasonable request.

### **Article 4. Project Costs and Funding**

- 4.1. District Funds. The District agrees to pay the Member Community an amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000.00) (the "District Funds") on a direct disbursement basis, in accordance with the terms of this Article and Article 6. The anticipated disbursement amount for calendar year 2024 is \$1,600,000.00. Yearly anticipated disbursement amounts may only be altered in writing at the discretion of the District's Director of Watershed Programs. The District shall withhold five percent (5%) or \$80,000.00 of the District Funds until the District receives the documents listed below and the match obligation has been met as outlined in Section 4.2:
- a) final record drawings for the MCIP Project.
- 4.2. Member Community Funds.
- 4.2.1. The Member Community shall provide 50% non-District matching funds for the MCIP Project that may include cash and/or in-kind contributions ("Member Community Funds"). Funds acquired by the Member Community from previous District awards cannot be counted as a match. The Member Community agrees to pay all MCIP Project costs that exceed the amount of the District Funds. Under no circumstance, shall the District be responsible for payment of any costs that, in aggregate, exceed the amount of the District Funds, including, but not limited to, differing site conditions or other unforeseen situations.
- 4.2.2. Prior to the Member Community issuing a notice-to-proceed for any MCIP Project related work or service, the Member Community shall provide the District a copy of the certification by the Member Community's Finance Director that the Member Community Funds have been lawfully appropriated by the Member Community for the Project. This certification is attached hereto as Exhibit "E."
- 4.2.3. Each invoice submitted for disbursement to the District in accordance with Section 4.3 below shall include the percentage of the Member Community Funds committed by the Member Community as matching funds for the MCIP Project.
- 4.3. Use of District Funds - Direct Disbursement Requests and Quarterly Progress Reports. The District Funds must be used for activities and expenses approved by the District that are related to the MCIP Project accrued on or after January 1, 2024 and in accordance with the project schedule requirements set forth in Article 6. In accordance with the provisions of this Agreement, the District shall disburse funds directly to the Member Community the eligible MCIP Project expenses based upon invoices, prepared and submitted by the Member

Community to the District, in the form prescribed by the District, and including all supporting documentation as required by this Agreement and the MCIP Policy, Process, and Procedures, attached hereto as Exhibit "F." All disbursement requests must include the Payment Request Accuracy Verification and Progress Report (the "PRAV"), attached to this agreement as Exhibit "G."

- 4.3.1. All invoicing shall be in accordance with an agreed-upon format between the District and the Member Community that is sufficient to allow the District to review, inspect and approve the services provided for the Project. The District shall not be responsible for payment of any late fees and/or other penalties invoiced by consultants and contractors. At the request of the District, the Member Community shall submit proof of payment to its consultant and contractors within thirty (30) days of the District's payment to the Member Community. Should the Member Community fail to submit such proof within thirty (30) days, the District shall have the right to withhold future payment(s) to the Member Community until such time that the Member Community provides proof of payment of MCIP funds to the consultant and the contractor, and any failure of the Member Community to comply with the material payment requirements in this Agreement may be considered a material breach of this Agreement and be cause for termination of the Agreement, in addition to any other remedies available to the District.
- 4.3.2. All requests for payment of District Funds for project management, design services, and construction shall be documented to the District in reasonable satisfaction based on the agreed-upon scope and fee for such services.
- 4.3.3. The Member Community shall keep all records and documents relevant to the Project, including but not limited to, an accurate, current, and complete accounting of all financial transactions for the Project. Such records and documents shall be available at reasonable times and places for inspection and copying by the District or any authorized representative thereof and will be submitted upon request together with any other compliance information which may be reasonably required.
- 4.3.4. The Member Community shall bear the risk and remain solely responsible for any payments made by the Member Community to third parties for work not approved by the District.



- 4.3.5. The Member Community will provide a copy of the professional services agreement and the bid award with the first direct disbursement request.
- 4.3.6. Quarterly progress reports shall be submitted to the District in accordance with the following:
- First Request: Due April 30, 2024 for work completed January 1, 2024 - March 31, 2024;
  - Second Request: Due July 31, 2024 for work completed April 1, 2024 - June 30, 2024;
  - Third Request: Due October 31, 2024 for work completed July 1, 2024 - September 30, 2024;
  - Fourth Request: Due January 31, 2025 for work completed October 1, 2024 – December 31, 2024
- 4.3.6.1. Failure to submit the quarterly progress report in accordance with these deadlines may result in the revocation of the Agreement by the District.
- 4.3.7. The Member Community agrees to meet with District staff, as requested, to review MCIP Project progress and to use the PRAV and progress report form provided as Exhibit 'G' and available at: <http://www.neorsd.org/mcip.php>.
- 4.4. Third-Party Payments. The Member Community shall bear the risk and remain solely responsible for any payments made by the Member Community to third parties for work not approved for reimbursement by the District.
- 4.5. Records Retention. The Member Community shall keep all records and documents relevant to the MCIP Project, including but not limited to, an accurate, current, and complete accounting of all financial transactions for the MCIP Project. Such records and documents shall be available at reasonable times and places for inspection and copying by the District or any authorized representative thereof and shall be submitted to the District upon request along with any other compliance information which may be reasonably required.
- 4.6. District Funds Not Used. Any District Funds that are not used to complete the MCIP Project shall be retained by the District.
- 4.7. Final Project Costs. If final project costs decrease from the project proposal estimate, then the amount of the District's final contribution shall be adjusted to

maintain the same District contribution percentage of the final project cost. (Exhibit C).

**Article 5. Public Participation and Outreach**

- 5.1. Educational Signage and Public Outreach. The Member Community shall coordinate any educational signage and any public outreach with the District. The Member Community shall acknowledge the District on MCIP Project related outreach communications and in public meetings that discuss the MCIP Project.
- 5.2. District Right to Reject. The District reserves the right to reject any signage, related to the MCIP Project.

**Article 6. Project Schedule and Warranty Period.**

- 6.1. Project Schedule. The MCIP Project schedule shall be as set forth in the Project Schedule and Budget Section of Exhibit "D." Any change to the Project schedule must be approved in writing by the District Representative.
- 6.2. MCIP Project Warranty. The Member Community's construction agreement shall require the contractor to provide a minimum of a one (1) year warranty period that commences upon final completion of the MCIP Project construction ("Warranty Period"). Prior to the conclusion of the Warranty Period the Member Community shall perform a CCTV inspection of the installed Project, if applicable, and provide a report to the District.

**Article 7. Term.**

- 7.1. Term. This Agreement shall begin on the date first above written and expire upon successful completion of the obligations contained herein.

**Article 8. Insurance.**

- 8.1. Insurance. The Member Community shall require MCIP Project consultants and contractors to name the Northeast Ohio Regional Sewer District as an Additional Insured for general liability, automobile liability, and property liability insurance coverages.

**Article 9. Dispute Resolution.**

9.1. Continuation of Obligations. The Parties shall continue the performance of their obligations under this Agreement notwithstanding the existence of a dispute. The District reserves the right to deposit District Funds in an escrow account until the dispute is resolved.

9.2. Designated Representatives. The Parties shall first try to resolve the dispute at the level of the designated representatives as follows:

| District Representatives       | Member Community Representatives |
|--------------------------------|----------------------------------|
| Director of Watershed Programs | City Engineer                    |

If the Parties are unable to resolve the dispute at that level within ten (10) working days, the Parties shall escalate the dispute to the following level to resolve the dispute:

| District Representatives                       | Member Community Representatives |
|------------------------------------------------|----------------------------------|
| District Chief Legal Officer or CLO's designee | Law Director                     |

9.3. Mediation. If the Parties remain unable to resolve the dispute within an additional ten (10) working days, the Parties shall proceed to mediation upon request by either party. The Parties shall mutually select a mediator who is experienced in public utility infrastructure engagements. The mediator shall review all documents and written statements, in order to accurately and effectively resolve the dispute. The mediator shall call a meeting between the Parties within ten (10) working days after the mediator appointment, which meeting shall be attended by at least the respective representatives in Article 9.2 above. The Parties shall attempt in good faith to resolve the dispute. The Parties agree to follow the Uniform Mediation Act, Chapter 2710 of the Ohio Revised Code. The Parties shall share the cost of the mediator equally.

9.4. Mediation Resolution. Such mediation shall be non-binding between the Parties and, to the extent permitted by law, shall be kept confidential. If the dispute is resolved and settled through the mediation process, the decision will be implemented by a written agreement signed by both Parties. If the dispute is unable to be resolved through mediation, the Parties agree to submit the dispute to the appropriate jurisdiction as per Article 10, Remedies, below.



**Article 10. Remedies.**

- 10.1. Remedies and Ohio Law. The Parties agree that, after exhausting the dispute resolution process outlined above, all claims, counterclaims, disputes and other matters in question between the Parties arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the law of the State of Ohio. A party may file a lawsuit in a court of competent jurisdiction in Cuyahoga County, Ohio.

**Article 11. Notifications.**

- 11.1. Points of Contact. The Parties hereby designate the following individuals to serve as the primary points of contact under this Agreement:

| District Representatives        | Member Community Representatives |
|---------------------------------|----------------------------------|
| Grant Programs Administrator II | City Engineer                    |

**Article 12. Release of Liability.**

- 12.1. Release of All Liability. The Parties understand and agree that the District has no responsibilities or interest in the MCIP Project with respect to ownership, operation and maintenance and is acting solely as a funding source. The Member Community hereby releases the District from all liability related to the grant funding provided by the District hereunder. The Member Community further releases the District from all liability for: (i) the design, construction, implementation, operation, maintenance, and inspection of the Member Community's MCIP Project; (ii) any damages to third parties caused by the design, construction, implementation, operation, maintenance, inspection and every other aspect of the Member Community's MCIP Project; (iii) any defective performance of the Member Community's MCIP Project by the Member Community and/or its agents; and (iv) any damages caused by malfeasance or misfeasance of the grant funds by the Member Community.

**Article 13. Miscellaneous.**

- 13.1. Limit of Commitment. This grant is made with the understanding that the District has no obligation to provide other or additional support, including maintenance

of the Member Community's MCIP Project. This grant does not represent any commitment to, or expectation of, future support, including maintenance of the Member Community's MCIP project from the District.

- 13.2. Disclaimer of Joint Venture. This Agreement is not intended to create a joint venture, partnership or agency relationship between the Parties, and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.
- 13.3. Authority to Execute. Each person executing this Agreement represents and warrants that it is duly authorized to execute this Agreement by the party on whose behalf it is so executing.
- 13.4. Counterpart Signatures. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which counterparts when taken together shall constitute one Agreement.
- 13.5. Modification of Agreement. This Agreement may only be modified by written instrument executed by each party.
- 13.6. Merger Clause. This Agreement, along with any exhibits attached hereto, encompasses the entire agreement of the parties, and supersedes all previous understandings and agreements between the parties, whether oral or written.
- 13.7. Binding on Successors. This Agreement is binding upon, and inures to the benefit of, the parties and their respective permitted successors and assigns.
- 13.8. Prohibition on Assignment and Subcontracting. The Member Community may not assign or subcontract its rights or duties under this Agreement, in whole in part, whether by operation of law or otherwise, without the prior consent of the District. Consent may be withheld for any reason or no reason. Any assignment or subcontract made in contravention of the foregoing shall be void and of no effect.
- 13.9. Severability. If any term or provision of this Agreement is determined to be illegal, unenforceable, or invalid, in whole or in part for any reason, such provision shall be stricken from this Agreement and such provision shall not affect the validity of the remainder of this Agreement.
- 13.10. Headings. The headings in this Agreement are included for convenience only and shall neither affect the construction nor the interpretation of any provision in this Agreement.



13.11. Relationship of Agreement to Exhibits. The exhibits to this Agreement are attached for reference purposes only. Nothing in this Agreement shall be construed to modify, alter, clarify, or give effect to the terms and conditions of the various exhibits attached to this Agreement.

**Article 14. Exhibits.**

It is mutually understood and agreed that all Exhibits attached hereto are made a part hereof as if fully written herein. In the case of any conflict or variance between the terms of this Agreement and the terms of referenced documents, the terms of this Agreement shall govern. The following Exhibits attached hereto are hereby incorporated with and made a part of this Agreement:

|             |                                                                    |
|-------------|--------------------------------------------------------------------|
| Exhibit "A" | District Resolution                                                |
| Exhibit "B" | Member Community's Authorizing Ordinance                           |
| Exhibit "C" | Request for MCIP Proposals                                         |
| Exhibit "D" | Member Community's MCIP Application                                |
| Exhibit "E" | Member Community's Certification of Funds                          |
| Exhibit "F" | MCIP Policy, Process, and Procedure                                |
| Exhibit "G" | Payment Request Accuracy Verification and Progress Report ("PRAV") |

<< INTENTIONALLY LEFT BLANK >>

The parties hereto have executed and delivered this Agreement as of the date first above written.

**NORTHEAST OHIO REGIONAL SEWER DISTRICT**

By: \_\_\_\_\_  
Kyle Dreyfuss-Wells  
Chief Executive Officer

and: \_\_\_\_\_  
Darnell Brown, President  
Board of Trustees

**CITY OF BEACHWOOD**

By: \_\_\_\_\_

The legal form and correctness  
of this instrument is approved.

By: \_\_\_\_\_  
Assistant/Director of Law  
CITY OF BEACHWOOD

Date: \_\_\_\_\_, 2024

This Instrument Prepared By:

\_\_\_\_\_  
Anka M. Davis  
Assistant General Counsel  
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.

**[FOR DISTRICT USE ONLY]**

AGREEMENT NO.

NORTHEAST OHIO REGIONAL  
SEWER DISTRICT  
WITH  
CITY OF BEACHWOOD  
FOR  
2024 MEMBER COMMUNITY  
INFRASTRUCTURE PROGRAM  
PROJECT:  
TIMBERLANE/GREEN SANITARY  
RELIEF SEWER PHASE 1

---

Total Approximate Cost: \$1,600,000.00

---

The legal form and correctness of  
the within instrument are hereby  
approved.

---

ERIC J. LUCKAGE  
CHIEF LEGAL OFFICER

---

Date

**CERTIFICATION**

It is hereby certified that the amount  
required to meet the contract,  
agreement, obligation, payment or  
expenditure, for the above, has been  
lawfully appropriated or authorized or  
directed for such purpose and is in  
the Treasury or in process of  
collection to the credit of the fund  
free from any obligation or  
certification now outstanding.

---

KENNETH J. DUPLAY  
CHIEF FINANCIAL OFFICER

---

Date

INTRODUCED BY:

ORDINANCE NO. 2024-15

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRANDEN R. BURNS, LLC TO PROVIDE POOL MANAGEMENT THROUGH THE 2024 SEASON FOR THE CITY OF BEACHWOOD, OHIO FAMILY AQUATIC CENTER; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the Community Services Director would like to hire a Pool Manager for the 2024 season and has recommended Branden R. Burns, LLC.

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 Community Services Director, the Mayor is hereby authorized to enter into an agreement with Branden R. Burns, LLC for Pool Management services for the 2024 season at the Beachwood, Ohio Family Aquatic Center as set forth in the agreement for services, a copy of which is attached hereto and incorporated herein as Exhibit "A".

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, Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure necessary for the public peace, health, or safety or the efficient operation of the City, and for the further reason that these management services be available for the 2024 season; 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 8<sup>th</sup> day of January, 2024, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 9<sup>th</sup> day of January, 2024.

\_\_\_\_\_  
Clerk

Approval: I have approved this legislation this 9<sup>th</sup> day of January, 2024, and filed it with the Clerk.

\_\_\_\_\_  
Mayor

This agreement, between Branden R Burns LLC., (hereafter known as BB) and The City of Beachwood, (hereinafter known as CITY), is to provide for the management by BB of the CITY's swimming pool(s) located in Beachwood, Ohio in accordance with the specifications, conditions and terms set forth hereinafter.

#### EFFECTIVE DATE OF THIS CONTRACT

BB management service will be provided from the date of signing, through the date of 11/1/2024.

The normal swim season being:

5/25/2024-9/2/2024

Additional Extended dates available at additional fee.

#### PRE-SEASON INSPECTION

BB will, as reasonably as possible, make a complete pre-season inspection and evaluation of CITY'S facility. BB will advise CITY of any missing or broken equipment, and if any repairs deemed necessary to maintain swimming pool at the standards of the local health department.

#### Normal HOURS OF OPERATION

M-F 6:15a-8p

Sat & Sun 9a-7:30p

#### **Reduced Hours –Labor Day:**

August 21-Sept 2

Closed M-Weds

Th & Fri 6:15a-8:30a, 4p-8p

Sat & Sun 9a-7:30p

Labor Day Open normal hours

#### **\*Dates will change per year based off Beachwood City Schools Schedule**

Guard staff will be scheduled to meet the demand of the facility. CITY is to provide lifeguards needed to provide effective surveillance during operations. BB is only responsible for management of CITY lifeguards. BB will provide an on-site manager as well as provide management support, training, and safety/skill audits. Lifeguards, even though CITY employees, will be required to attend mandatory monthly in-service training. If BB determines CITY staff are unqualified to work, they will be removed from the schedule and BB will notify CITY.



## **HOURS AND EXPENSES INCLUDED IN THIS CONTRACT**

This contract includes a total of 800 manager hours at \$38 per hour. Any hours more than 800 manager Hrs., requested by CITY will be provided at the rate of \$40 per hour. BB will make regular reports to CITY as to the total number of manager hours that have been used each pay period as the timesheets are calculated. Reports will be made available to CITY. CITY agrees to alert BB to any discrepancies within five (5) business days of receipt of these reports.

Any hours under 750 hours will be rebated to the CITY at a rate of \$10 for each hour not utilized. Any rebate or adjustment will be made to CITY by twenty-one days past close.

This contract includes a management fee of \$1,100 and is **NON-refundable**.

2024: \$31,500

### **Payment Schedule**

The total hours of scheduled staffing and expenses proposed results in total fees of \$31,500 for 2024. Payment is due in 4 equal payments of \$7,875. Payments are due April 15, May 15, June 15, and July 15. Any hours under 750 manager hours will be rebated to the CITY at a rate of \$10 for each hour. Any rebate or adjustment will be made twenty-one days after the conclusion of the season, due by/or before October 30. Any add on opportunities or consulting fees may be added at agreement of CITY and BB.

### **SCHEDULE REQUESTS BY OWNER**

Any requested change in the schedule by CITY due to any foreseen and unforeseen circumstances will be charged to CITY at a rate of \$40.00 per hour once the budgeted hours have been exceeded. Any additional hours requested beginning August 11<sup>th</sup> through September will be invoiced at an additional rate equivalent to \$40.00 per hour. Examples include but not limited to: CITY requested schedule changes or school district schedule changes. Please note that adding additional staff/hours is subject to change and is dependent on availability.

### **ADDITIONAL STAFF DUE TO SAFETY CONCERNS**

If at any time staff must be added to meet the State or County requirement for bather load or meet BB's safety standards (as deemed by management) the CITY will be notified. If this situation should occur, additional staff will be added to the schedule.

### **SPECIAL HOURS**

Full Season is June 1st - August 21. Facility will be closed after Memorial Day until Saturday June 1st. Facility will go to reduced hours August 21st until Labor Day.

### **INCLEMENT WEATHER**

BB shall close the pool due to inclement weather, or if the air temperature at outdoor facilities is less than 65 degrees. If staff hears thunder or sees lightning the facility must be cleared of swimmers for a minimum of 30 minutes from the last sound of thunder or last flash of lightning. Patrons will be cleared from the pool for safety reasons during any rainstorm if visibility of the pool bottom is obscured.

### **SWIM BREAKS**

General swimming breaks are 10 minutes on the hour, adults 18 & older as well as infants carried with an adult may continue to swim.

## **Operating Supplies**

CITY will provide the following supplies for staff and management use:

- Testing reagents as required by Health Department
- Supplies to clean tile area
- Refill for the First Aid Kit
  - Band-Aids
  - Gauze Pads
  - Tape
  - Rolled gauze
  - Antibacterial wipes
  - Latex or Non-latex first aid gloves
  - Eye protectors
  - Triangular bandage
  - Biohazard bag and labels
- Exposure Control Plan as required by OSHA
- Material Data Safety Sheets as required by OSHA
- County Board of Health Record Sheet
- Pool vacuum head, pole, and hose
- Pool brush
- Garden hose with spray nozzle
- Broom and dustpan
- Ring buoy with heaving line
- Shepard's Crook with straight pole
- 12' straight pole
- CPR mask for each lifeguard on duty
- Fanny pack for each lifeguard on duty
- Eyewash Station
- Shade at lifeguard station(s) per OSHA regulations
- Trash receptacle
- Water Test Kit as required by State and/or County Health Departments
- Safety line with adequate safety floats and hooks
- First Aid Kit Container
- One rescue tube for each lifeguard on duty
- One Fanny Pack for each lifeguard on duty



- Danger Pool Closed sign
- Emergency Phone sign
- Spa Caution Sign (if applicable)
- Spine Board with three straps (Board must be in good repair with no splinters or holes)
- Thermometer for each pool
- Facility Cleaning Supplies

## **PERSONNEL**

BB will provide the management staff for the facility to the best of our ability during all normal pool hours as specified in this contract. All required lifeguards will be certified in accordance with the rules and codes specified by the State of Ohio and hired by CITY. The BB pool manager position will be filled by Sarah Tobin.

Management Staff will perform the following services in respect to daily operation:

1. Test the pool water periodically to ensure proper chemical balance per the standards of the local Health Department.
2. Enforce all rules and regulations posted by CITY and BB. CITY will provide copies of their rules and regulations prior to pool opening for the season.
3. Maintain and keep records required by the local Health Department.
4. Maintain any additional reasonable records required and supplied by CITY.
5. Schedule all staff for the facility utilizing designated scheduling software.
6. CITY agrees to provide a safe working environment for managers, guards, and other BB employees free from the threat of harm or bodily injury.
7. CITY agrees to maintain adequate number of lifeguards to ensure patron surveillance and safety.

BB agrees to the following conditions concerning personnel:

1. BB will work with the CITY in selection of pool manager. CITY will have the right to make suggestions and recommendations to BB; however, final decision shall be made by BB.
2. BB will work within CITY HR protocols to discharge any incompetent, uncooperative or otherwise unqualified employee. BB must make fair and just decisions concerning dismissal of its' employees. If for any reason this paragraph is enforced, the employee being discharged will not work more than week after BB receives the request for discharge.
3. BB shall be responsible for the payment of wages, taxes, etc., to all said management employees and for the maintenance of Worker's Compensation and Unemployment Insurance.
4. If is deemed necessary as the season progresses to add additional personnel, this will be determined by agreement between CITY and BB. BB may adjust personnel as is necessary daily per bather load, time of year or day, available staff, etc. BB will consult CITY in all scheduling matters.
5. If during the term of this contact the federal or state governments impose required benefits for seasonal employees BB will notify CITY of the increase and the CITY agrees to pay an additional amount not to exceed 3% of the total contract price. If the required benefit amount will increase the contract by more than 3% BB reserves the right to renegotiate this contract.
6. If at any time during the term of this contract the federal, state, or local government impose legislation that will increase employee labor costs, BB has the right to charge CITY additionally for these costs. BB will notify CITY if this should occur. This increase will be calculated by BB and payable by CITY in addition to the installments listed. Examples include but are not limited to minimum wage increases, employee benefit increases, and/or employee benefit tax increases.
7. BB will provide a manager who shall oversee supervising CITY personnel. The manager will



coordinate and discuss any problems or questions that arise between BB and CITY. Manager shall be available to meet with CITY or CITY liaison weekly. Branden Burns, OWNER, will be available by phone daily. Branden Burns, OWNER, shall make physical inspections of the pool and facility a minimum of four (4) times per month throughout the swim season to determine if the pool is being operated in a clean, safe, healthy, and sanitary manner.

#### KEYS

CITY shall supply sufficient complete sets of all necessary keys to the pool for BB's use. If a lockbox installed at the pool, it is the property of BB, and is to be used by BB employees only. CITY shall supply sufficient sets of all necessary keys if the locks are changed on the facility.

#### **MANDATORY SAFETY STANDARDS**

CITY agrees and acknowledge that it is CITY'S responsibility to operate the pool(s) within the established safety standards outlined by the State and County Health Departments. CITY must maintain records and be compliant in accordance with the State of Ohio Commercial Swimming Pool Code and the Virginia Graeme Baker Safety Act. Compliance relates to but is not limited to safety warning signs, depth markers, safety equipment, and electrical codes. Cost for work and equipment to bring pool(s) safety standard to an acceptable level is the responsibility of the CITY.

#### **INSURANCE**

BB will carry Liability insurance for BB personnel only. A copy of the Certificate of Insurance can be provided upon request. All BB employees will be covered by Workers' Compensation and Unemployment Insurance. CITY is to carry fire, tornado, and other necessary insurance.

#### **PHONE USAGE**

CITY shall be responsible for providing an operational telephone, which is accessible to BB lifeguards at pool site. This is mandatory for safety reasons and required by the State of Ohio code for swimming pools. This phone must be capable of calling 9-1-1. It must also receive incoming calls for notification to the staff of possible weather danger. If you are not presently using a pay phone, and during this contract, switch to a pay phone, additional charges will be incurred based on governmental surcharges.

BB will not be liable for any phone calls to any phone exchange requiring a surcharge for its use (i.e. 900, 976, long distance, or any dial around service). CITY must take responsibility for contacting the telephone company to block the availability of those non-essential services.

If CITY chooses to utilize a cellular phone, BB will not be responsible for charges to cell phone.

#### **MISCELLANEOUS**

- CITY agrees to allow BB to display City of Beachwood as client on BPM website.
- CITY agrees to communicate any comments, suggestions, or complaints concerning the pool, pool staff or management service directly to BB.

#### **GOVERNING LAW**

This Agreement shall be governed by the laws of the State of Ohio.

#### **ENTIRE AGREEMENT, MODIFICATION, BINDING EFFECT**

This agreement constitutes the entire agreement of the parties and supersedes any prior agreements, understandings, or negotiations, written or oral. This Agreement may not be modified or amended

except in writing, signed by both parties hereto. This Agreement shall be binding upon and endure to the benefit of the CITY and BB and to their respective successors and assigns.

There are no representations, warranties or Agreements between the parties hereto concerning the transaction contemplated by this Agreement except as herein set forth.

**CITY’S RIGHT TO TERMINATE**

CITY may terminate this agreement for cause if BB fails to fulfill its material obligations and responsibilities under this Agreement on five (5) business days written notice to BB. BB, however, shall have five (5) business days from the date of the notice to cure default. Upon termination of this agreement, an accounting of costs incurred by BB to the date of the termination shall be mutually determined and any excess funds paid by CITY shall be immediately refunded. If CITY is found to owe payment at the time of termination that payment will become immediately due.

**CATASTROPIC EVENT OR POOL FAILURE**

In the event the pool is inoperable due to pool failure or act of God including but not limited to a pandemic the contract will pause. Any payments yet to be made will be paused and an accounting of all expenses incurred will be conducted by BPM. Hours paid for and not utilized due to the closing of the pool will be rebated after year-to-date expenses are paid and OWNER will not be responsible for the remainder of the seasons billing. CITY shall pay a one-time \$500 fee to help cover administrative costs incurred by BB during this process.

**INDEMNIFICATION**

The CITY agrees to defend, indemnify, and hold harmless BB, its employees, officials, and representatives from any claims, including reasonable attorney fees, in respect to bodily injury, death and property damage arising from the negligence of the CITY. In turn, BB agrees to defend, indemnify, and hold harmless CITY, its employees, officials, and representatives from any claims, including reasonable attorney fees, in respect to bodily injury, death and property damage arising from the negligence of BB.

**Branden Burns:**

**City of Beachwood Representative:**



01/02/2024

Signature

Date

Signature

Date

Branden Burns

01/02/2024

Print Name

Date

Print Name

Date

**BEACHWOOD PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMORANDUM**

**TO:** Mayor Justin Berns

**FR:** Chris Arrietta, Public Works Director

**DT:** December 27, 2023

**RE:** Council Agenda Item: City Hall Roof Maintenance Program

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Mayor,

In order to increase the life span of the roofs at all of our city owned buildings, Public Works has established a five-year maintenance program that will begin in 2024. In the first year, a portion of the City Hall and Community Center roofs are scheduled to have an application of commercial coatings that will extend the life span of the roofs by twenty years.

We are currently in the process of putting together specifications and are seeking approval to go out for competitive bidding in January. With your permission, I would like to place this item on the next council agenda. Please let me know if you have any questions in regards to this program.

**BEACHWOOD PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMORANDUM**

**TO:** Mayor Justin Berns

**FR:** Chris Arrietta, Public Works Director

**DT:** December 27, 2023

**RE:** Council Agenda Item: Rectangular Rapid Flash Beacon Installation

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Mayor,

In order to improve pedestrian safety in front of the recreational area on Fairmount Boulevard, Public Works would like to install Rectangular Rapid Flash Beacon (RRFB) units at the crosswalks. These RRFB units are traffic control devices designed to increase driver awareness in areas of high pedestrian traffic where there are no traffic lights present.

The design for this project is complete and we are seeking permission to competitively bid this project in January of 2024. Our goal is to have this project completed prior to the opening of the Aquatic Facility and new Playground in June. With your permission, I would like to place this item on the next council agenda. Please let me know if you have any questions in regards to this project.