

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

CM 2015-348

APPROVAL OF THE MINUTES OF THE FINANCE AND INSURANCE COMMITTEE
MEETING HELD ON NOVEMBER 2, 2015.

Moved by M.I. Wachter, seconded by F.S. Goodman, that the minutes of the Finance and Insurance Committee Meeting held on November 2, 2015 be approved.

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

APPROVAL OF THE MINUTES OF THE LEGAL AND PERSONNEL COMMITTEE MEETING
HELD ON NOVEMBER 10, 2015.

Moved by M.I. Wachter, seconded by M.S. Horwitz, that the minutes of the Legal and Personnel Committee Meeting held on November 10, 2015 be approved.

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

MAYOR'S REPORT

Mayor Gorden stated that an announcement was made this morning from Canterbury Country Club Golf Course that there will be a Professional Golf Tournament held in September, 2016. Mayor Gorden stated that the golf tournament will be sponsored by DAP which is a company that deals in caulking and adhesives from Akron, Ohio. Mayor Gorden stated that sponsorship by DAP will also be in conjunction with Web.Com Tour who will be involved with the media. Mayor Gorden stated that comments were made that Canterbury Country Club is an unusual golf course and it is only one of a few in the country. Mayor Gorden stated that there have been 13-14 tournaments at Canterbury Country Club and they have all been successful.

Mayor Gorden stated that he attended a luncheon at Landerhaven today for an event called Philanthropia sponsored by Harlan Diamond. Mr. Diamond pays for all of the food himself and the proceeds from the luncheon are turned over to your choice of a charity. Mayor Gorden stated that there is quite a bit of money raised and in December of 2014 that amount was approximately \$144,000.00.

COUNCILMEMBER REPORTS (NON-AGENDA ITEMS)

Mr. Isaacson stated that it was his sad duty to report the passing of Darcy Alter, sister of Debra Rapoport. Mr. Isaacson stated that Mrs. Alter lost her battle with cancer early last week and she left behind her husband and three children all of whom are in the Beachwood schools and participate in the Beachwood community. Mr. Isaacson asked for a moment of silence in her honor.

Mr. Wachter stated that he would like to bring to Council's attention an item that was before Council a few months ago for approval of the rezoning and some variances for the property that use to be Bally's which will now be the new apartments at that location by Covington Partners. Mr. Wachter stated that the concern from Council was the availability of guest parking on the site, and if you recall, there was approximately 14 open spaces. Mr. Wachter stated that he received a telephone call from counsel for Covington Partners, and he does not have specific details, but the concept that they will be using to get around that issue is an elegant technological situation. Mr. Wachter stated that Covington Partners have sufficient parking but the majority of that parking is inside in the enclosed garage and what Covington Partners plan on doing is allow guests to drive down the driveway to the regular parking entrance and put in a code, the same way that they would call if they were in the lobby, it will call whatever designated telephone that the resident uses and the resident will be able to open the garage door for them so that they will be able to park in the guest parking inside. Mr. Wachter stated that he hopes that will solve the problem and he will report that information back to the Planning and Zoning Commission next week. Mr. Wachter believes that Covington Partners will be before the Planning and Zoning Commission sometime in January for final site plan approval.

Mr. Pasch offered his condolences to Debra Rapoport and her whole family on the loss of her sister.

Mr. Pasch stated that he was not present at the last Council meeting and this is the first meeting for him since the election because he was out-of-town on a business trip and he would like to congratulate everyone on a well-run race and he sees faces that are here that will be joining this dais, Barbara Janovitz, Justin Berns and Brian Linick, and he looks forward to serving with them. Mr. Pasch stated that he also looks forward to serving with Mr. Horwitz again. Mr. Pasch stated that for those Council members who are leaving Council, Mark Wachter, Fred Goodman and Mark Mintz, he has learned a tremendous amount from all of them and it has been a pleasure serving with them.

Mr. Wachter called the Public Hearing to order at 7:15 P.M.

PLANNING AND ZONING COMMITTEE

1. Planning and Zoning Committee – Public Hearing at 7:15 P.M.
Ordinance No. 2015-94 An Ordinance amending BCO Chapter 1155.05(i) Keeping of Fowl.

Placed on First Reading and Referred to the Planning and Zoning on: July 13, 2015
Referred back from the Planning and Zoning Commission on: September 24, 2015
Placed on Second Reading on: October 19, 2015
Set for Public Hearing on: December 7, 2015
Keep on Third Reading on: December 7, 2015

PLANNING AND ZONING COMMISSION(continued)

Mr. Wachter stated that with respect to this item, the version that Council has before them is not the final version that was reported out from the Planning and Zoning Commission. Mr. Wachter stated that there are a couple of minor changes and he will read the entire Ordinance and emphasize where the changes are.

Mr. Wachter stated that the version that was recommended by the Planning and Zoning Commission is as follows: a permit is not required for the keeping of fowl. However, **the maximum number of fowl kept on any property shall be four (4) and the** fowl must be restrained at all times in a structure designed to house fowl. Such structure shall be no larger than four feet by four feet by four feet, enclosed on all sides and on top, and maintained in sanitary condition and in good repair. The structure shall conform to all Code requirements, **shall be located behind the dwelling**, and shall be located not less than twenty (20) feet from the rear or side yard lines ~~and not less than two hundred (200) feet from any existing residence on an adjacent property.~~

Mr. Wachter stated that with those changes that is the proposal and if there is anyone who would like to make a public comment now is your opportunity.

Mr. Mintz stated asked why no permits are required.

Mr. Wachter stated that there was not a permit previously.

Mr. Mintz stated that how would you know that people had it or were misusing it? Mr. Mintz stated that he believes that there should be permits so that the City knows who has permits and who does not, if the City decides to move forward. Mr. Mintz stated that he is not inclined to move forward with this Ordinance.

Mr. Wachter stated that there was discussion regarding permits but deferred to Mr. Griswold as it was an administrative issue.

Mr. Griswold stated that it was discussed whether permits should be required. Mr. Griswold stated that the Planning and Zoning Commission and administration thought it would be complaint driven.

Mr. Mintz asked what other communities in this area have similar ordinance that allows residents to have fowl in their backyards.

Mr. Griswold stated that Cleveland Heights has an ordinance and if you recall three or four years ago there was a woman who spoke about having goats.

Mr. Mintz stated that she spoke a lot about chickens but she needed 1.1 acres in order to have chickens. Mr. Mintz stated that he would like to see if residents actually know that the City is considering this and Mr. Mintz believes that most residents do not know that the City is voting on this. Mr. Mintz stated that we need to let the residents know that the City is considering this legislation. Mr. Mintz stated that he would recommend not voting on this tonight until the City informs the residents.

PLANNING AND ZONING COMMISSION(continued)

Mr. Mintz stated that there are people that are going to be upset about people having chickens next door to them. Mr. Mintz stated that he thinks it is absolutely wrong that Council would pass this without having it in the Buzz or notifying the community in some manner. Mr. Mintz stated that Council owes it to the residents to inform them that this is something Council is considering.

Mr. Wachter stated that this is a Public Hearing and Council does not have to vote on it today and if the City would like to put out more information on this they can. Mr. Wachter stated that just to close the loop on what is shown on the screen with the exception of the 200 foot language, is the way it has been since the last time this was before Council, approximately 2009.

Mr. Mintz stated that 200 feet is a significant amount of space.

Mr. Wachter stated that this section, along with the section we dealt with at that time which included goats also had the 200 feet from the existing residence and adjacent property.

Mr. Mintz stated that the biggest problem a few years ago was that the woman wanted to raise chickens. Mr. Mintz stated that he recused himself for a different reason at the time but he feels that the public and the residents do not know about this and the City owes it to the residents to notify them. Mr. Mintz stated that changing the 200 feet is a big issue because in some places the houses are right on top of each other.

Mr. Wachter stated that the City still has their nuisance ordinance in place and various other ordinances that would address a problem.

Mr. Mintz stated that it becomes a hassle and neighbors do not want to call the City on their neighbors.

Mr. Horwitz stated that he received a letter he would like to read and he pulled the Ordinance for the City of Cleveland Heights and the City of South Euclid and the ordinances are nearly the same. The City's ordinance on distance away from property lines is probably the most restricted using 20 feet compared to the other cities which are approximately 5 feet. Mr. Horwitz stated that he agrees with Mr. Mintz and thinks this Ordinance should be done by permit and it could be a nominal twenty dollar permit. Mr. Horwitz stated that the Building Department according to the City's legislation has the right to inspect and he does not know how the Building Department will know where they are inspecting and you could only inspect if there were a complaint. Mr. Horwitz stated that if the City allows fowl and it has to be registered through a permit process then the City would know who was raising chickens.

Mr. Horwitz stated that the addition of the four by four limitations is the common size. Mr. Horwitz stated that the City's ordinance in another section states that roosters are not permitted but it appears that the more common form of this kind of legislation is specific that roosters are not permitted. Mr. Horwitz stated that if all the residents would only receive is the Keeping of Fowl Section (i) language the residents would not necessarily look through the whole package to make

PLANNING AND ZONING COMMISSION(continued)

sure if it included roosters or not. Mr. Horwitz stated that roosters seem to be the breaking point in keeping chickens.

Mr. Mintz stated that how would the City know if the resident was cleaning up after the chickens without permits or being inspected.

Mr. Horwitz stated that is why he is in favor of a permit also and he would like to make that change.

Mr. Horwitz stated that there is another line that is in both the City of South Euclid and the City of Cleveland Heights legislation that the facility will not create a nuisance or disturb neighboring residents due to odor, damage or threats to public health. Mr. Horwitz stated that he thinks that also needs to be made very clear. Mr. Horwitz stated that he knows that it is in other parts of the ordinance but again if all you are reading is Keeping of Fowl Section (i) you are not aware of that and he believes that gives the City more leverage should there be complaints.

Mr. Horwitz stated that he thinks that this is a really difficult issue and, in his personal opinion, approximately 25 years ago there was a dog across the street from him that would go into his yard in the middle of the night and it was a nuisance and when he was coming home at 11:00 PM and he saw the neighbor across the street and she would let her dog out, the dog would run across the street and go on his yard. Mr. Horwitz stated that he would call the Police and the Police stated that they would have to see the dog in order to do something. Mr. Horwitz stated that it created a lot of friction between himself and his neighbor. Mr. Horwitz stated that he could see where there would be hesitation in that regard. Mr. Horwitz would like the Building Department to have some leverage in case there are complaints.

Mr. Horwitz stated that he wanted to read a letter he received from Leona Osrin at 2465 South Woodland Road, Beachwood, Ohio. Ms. Osrin states: "To whom it may concern, I had the distasteful experience of living next door to people who raised chickens along with a rooster. Now folks might ask the simple question, is Beachwood a farming community, no it is not. We live on a small suburban lot on an acre where what we do affects our neighbors. If people want to raise chickens, great, go to Chardon where there are no ordinances against it or Burton or to Amish country, not Beachwood. Roosters are needed if one is going to have eggs from their chickens, roosters crow at 4:00 and 5:00 A.M. in the morning and also fly and get loose. Chickens smell and while most people are basically inconsiderate of their neighbors, I cannot see passing a law that will cause endless friction between neighbors, case in point, we have friends who are Amish and live in Burton and they have chickens and a huge rooster and they keep their chickens in a barn and the rooster was so loud they had to get rid of the rooster. Raising chickens in this affluent community is not only ridiculous but it is a daily battle between those of us who know what it is like or do most of you think that not. You who are going to vote for raising chickens think long and hard and answer this, are you going to live next door to people who are going to have them or are you miles away and could care less that they have your vote in the future. Anyone who cares to call her about this issue is more than welcome to do so."

PLANNING AND ZONING COMMISSION(continued)

Mr. Horwitz stated, as Mr. Wachter suggested, that a permit would be obtained and a rooster would not be permitted and emphasize the nuisance language.

Mr. Mintz asked if Council agrees to advertise this information in the Beachwood Buzz and is of the opinion Council needs to let the people know.

Mr. Pasch asked if Council could amend this Ordinance to require a permit does it go back to Planning and Zoning or could Council do that on the floor.

Mr. Wachter stated that we could amend the Ordinance on the floor. Mr. Wachter stated that we have gone through the process and this Ordinance is on third reading and Council could make whatever changes they would like.

Mr. Pasch stated that even if you have a dog, you have to register your dog, and he has no problem with residents having to register animals that you own if that was an amendment in place. Mr. Pasch stated that it is not necessary to have a second Public Hearing on the topic but he would be fine with an amendment that would requires both a permit as well as some of the additional language suggested by Mr. Horwitz if there was a majority support to do so.

1. Mrs. Rochelle Hecht
2468 Brian Drive
Beachwood, Ohio 44122

Mrs. Hecht stated that she is a member of the Planning and Zoning Commission and for the Record, the chicken zoning was not unanimous and she voted no because she believes there should be permits. Mrs. Hecht stated that it is a better way to keep track of things and the Planning and Zoning Commission was given numerous other ordinances from other cities and most of the other cities that they received information from required permits.

Mr. Isaacson stated that if Council requires a permit, under what circumstances could the City revoke the permit.

Mr. Wachter stated violation of the Ordinance.

Mr. Griswold stated that there are other areas in the Code that cover noxious odors.

Mr. Goodman asked who determines what is sanitary or not.

Mr. Griswold stated that the Building Department would determine when they went out whether the chicken coop was clean or not. Mr. Griswold stated that if a resident were obtaining a permit then the Housing Inspector would do the inspection.

Mr. Goodman asked if a rooster was required and Mr. Wachter stated that roosters are not required for the production of eggs.

PLANNING AND ZONING COMMISSION(continued)

Mayor Gorden stated that the City has an Agreement with the Cuyahoga County Board of Health and the City could call them to come out and do whatever is necessary.

Mayor Gorden asked for direction from Council on how to notify the community. Mayor Gorden stated that it is posted on the website.

Mr. Mintz stated that he would like to see an article in the Beachwood Buzz. Mr. Mintz stated that it should be postponed until January, 2016 when the new Council is seated.

Mr. Mintz asked Mrs. Hecht what the actual vote was on the Planning and Zoning Commission.

Mrs. Hecht stated that the vote was 5-1.

Mr. Pasch stated that when he was campaigning last year and knocking on doors, there were a few people who stated that they would like to own chickens and they could not. Mr. Pasch stated that he has not had anyone bring up the topic against chickens but that is most likely due to the fact that it was not a topic being discussed at the time. Mr. Pasch asked if the Mayor and the administration had a stance on this topic.

Mayor Gorden stated that he voted in favor of the Keeping of Fowl Ordinance.

Mr. Wachter closed the Public Hearing at 7:40 P.M.

Mr. Goodman stated that Mr. Reali will work on the Ordinance.

Mrs. Turick stated in order to place a notice in the Beachwood Buzz the administration would have to do it by Monday but the Beachwood Buzz will not arrive in the mail until January 4 through the 6th.

Mr. Goodman stated that a notice will be placed in the Beachwood Buzz.

Mr. Wachter stated that this has been in front of Council twice, been in front of the Planning and Zoning Commission twice, it has had a Public Hearing and now it is on third reading and there has been plenty of opportunities to get this information to the public. Mr. Wachter stated that if Council wants to see that process happen, grab ahold of the process a little earlier instead of waiting until the last minute.

Mr. Goodman stated the Mayor and five of the Council members attended the Menorah lighting at Eaton. Mr. Goodman stated that Rabbi Gancz invited them and the Menorah lighting took place at 6:00 P.M.

CM 2015-355

DEPARTMENT DIRECTOR'S

Mrs. Carmen stated that the first day for camp registration and three residents have already signed up.

CITIZEN'S REMARKS

None.

PLANNING AND ZONING COMMITTEE

2. Planning and Zoning Committee
P&Z No. 2015-34

M4Motors Inc., d/b/a Buick GMC is requesting use of an exterior parking lot for vehicular storage at 23550 Commerce Park as a Harmonious Use as defined in Section 1129.02(A).

Mr. Wachter stated that this is City property and as Council may recall that they do have the authority on the recommendation from the Planning and Zoning Commission to determine certain uses on City property are harmonious uses as can be used even though they are not specifically designated in the Code for use in that particular zone. Mr. Wachter stated that is what is being requested tonight and has been approved by the Planning and Zoning Commission. Mr. Wachter stated that this is approval of the use only and we do not approve the Lease itself until the next item.

Mr. Wachter introduced Mr. Dennis Lafferty, Vice-President of Strategy and Committee Relations for the Bernie Moreno Companies. Mr. Lafferty stated that they have two facilities in the City of Beachwood and are absolutely delighted with the services that they receive and delighted with the cooperation they have from the administration. Mr. Lafferty stated that those facilities employ approximately 80 people. Mr. Lafferty stated that this site was originally the Hummer Dealership designed for a smaller volume and because of the success in growing the Buick GMC business it is now one of the largest and most successful Buick GMC Dealerships in the State of Ohio. Mr. Lafferty stated that because of the growth it has caused congestion problem because in the business today there has to be a lot of inventory.

Mr. Lafferty stated that the matters before Council tonight allow them to utilize a piece of unutilized City property for storage of new vehicles up to 125 vehicles. Mr. Lafferty stated that there are no sales there and no repairs. Mr. Lafferty stated that if a customer searches the website and locates a car they will send a porter over to pick up the car and bring it back to the facility. Mr. Lafferty stated that with him this evening is Mr. Dan Muse, General Sales Manager of Buick GMC.

Mr. Muse stated that the dealership went from selling 50 to 60 last year and now with advertising and expansion they are selling 50-150 units per month and they are looking to grow to 200 units per month and grow their sales staff. The space would be for new inventory only.

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PLANNING AND ZONING COMMITTEE(continued)

Mr. Wachter stated that the recommendation from the Planning and Zoning Commission was subject to the storage of new vehicles only, no sales, no demonstration of vehicles, no advertising, no used vehicles, no street loading from trailers of cars, no maintenance of vehicles or other retail operations on the site. Mr. Wachter stated that the Lease would not be in perpetuity that there would be a specific term of the Lease.

Moved by M.I. Wachter, seconded by F.S. Goodman, that P&Z No. 2015-34 be adopted.

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

MOTION ADOPTED

3. Submitted to Council an Ordinance authorizing the Mayor to enter into a Lease Agreement with M4/ Motors, Inc., d/b/a/ Buick GMC for temporary outdoor parking spaces at the Municipal Service Center for the storage of vehicles; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-168 – Introduced by Mark I. Wachter
 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
 LEASE AGREEMENT WITH M4/MOTORS, INC., D/B/A BUICK GMC
 FOR TEMPORARY OUTDOOR PARKING SPACES AT THE MUNICIPAL
 SERVICE CENTER FOR THE STORAGE OF VEHICLES; AND DECLARING
 THIS TO BE AN URGENT MEASURE

Mr. Reali stated that highlights of the Lease are \$1,200.00 per month with a \$1,000.00 deposit, 100-150 cars maximum and it is a 12 month lease with a 30 day notice to terminate.

Moved by M.I. Wachter, seconded by F.S. Goodman, that Ordinance No. 2015-168 be placed on first reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M.I. Wachter, seconded by F.S. Goodman, that Ordinance No. 2015-168 be adopted.

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

MOTION ADOPTED

CM 2015-357

FINANCE AND INSURANCE COMMITTEE

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

ORDINANCE NO. 2015-167 – Introduced by James Pasch
AN ORDINANCE FOR THE PAYMENT OF CERTAIN BILLS (BILLS)

Moved by J. Pasch, seconded by M.I. Wachter, that Ordinance No. 2015-167 be placed on first reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Pasch, seconded by M.I. Wachter, that Ordinance No. 2015-167 be adopted.

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

MOTION ADOPTED

COMMITTEE OF THE WHOLE

1. Submitted to Council an Ordinance appointing Brian A. Reali as Law Director of the City of Beachwood, Ohio; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-169 – Introduced by Martin S. Horwitz
AN ORDINANCE APPOINTING BRIAN A. REALI AS LAW DIRECTOR
OF THE CITY OF BEACHWOOD, OHIO; AND DECLARING THIS TO BE
AN URGENT MEASURE

Mr. Mintz stated that Mr. Jacobs would like this Ordinance placed on first reading and referred to the Legal and Personnel Committee to discuss.

Mr. Goodman stated that Mr. Reali needs to be in place prior to the Organizational Meeting.

Moved by M.S. Horwitz, seconded by M.I. Wachter, that Ordinance No. 2015-169 be placed on first reading and referred to the Legal and Personnel Committee.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M. Mintz, J. Pasch, M.I. Wachter
	Abstain:	None.
	No:	None.

COMMITTEE OF THE WHOLE(continued)

Not Voting: None.

MOTION ADOPTED

2. Submitted to Council an Ordinance appointing Thomas F. Greve as Prosecutor of the City of Beachwood, Ohio and establishing compensation; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-170 – Introduced by Alec Isaacson
AN ORDINANCE APPOINTING THOMAS F. GREVE AS PROSECUTOR
OF THE CITY OF BEACHWOOD, OHIO AND ESTABLISHING
COMPENSATION; AND DECLARING THIS TO BE AN URGENT MEASURE

Mr. Pasch stated that there were two committee meetings to discuss this contract. Mr. Pasch stated that when he first came on to Council this was one of the first contracts he voted on and the contract was for \$65,000.00. Mr. Pasch stated that he knows he requested a raise this year to \$75,000.00 and he has not had a raise since 2003. Mr. Pasch stated that he understands that this is the case here but he had already thought the \$65,000.00 was high when he originally voted on it a few years back for the fact that it is not in line for what other city and county assistant prosecutors make in northeast Ohio. Mr. Pasch stated that the \$75,000.00 figure that is being proposed tonight is higher than full-time county prosecutors make handling felonies downtown. Mr. Pasch stated that when people start out of law school when they are younger they are in the \$40,000.00 and \$50,000.00 range and they get up to the \$60,000.00-\$70,000.00 over time and maybe the head of the entire criminal division for the entire county makes more than \$75,000.00 and is closer to \$100,000.00 but the City Prosecutor in Beachwood is working every other week, one day per week, and every other week, two days per week in the Court. Mr. Pasch stated that he has heard nothing but good things about Mr. Greve and he is doing a good job but the increase in pay is not in line with what the market bears for this position. Mr. Pasch stated that he understands it has been a long time since Mr. Greve asked for a raise but that is because the original amount of money was not in line with what other cities were paying their part-time city prosecutors. Mr. Pasch stated that he would like to amend the Ordinance to freeze the pay at the current rate of \$65,000.00.

Mayor Gorden stated that he does not believe the issue is that Mr. Greve has not had a raise since 2002 and he believes that the workload has dramatically changed and what his responsibilities are as Prosecutor today based on his meeting in Shaker and the amount of involvement the City has today with the Prosecutor. Mayor Gorden said daily or several times per day there is interaction between the Police Department and Mr. Greve. Mayor Gorden stated that the docket has changed and he was informed that Beachwood has the heaviest docket out of the majority of the communities. Mayor Gorden stated that there has never been an issue with his performance or anything that he has done. Mayor Gorden would recommend that he be retained and that the increase be allowed.

Mr. Wachter stated that Mr. Greve has been with the City for 20 years and with the work that he was previously performing he now has to be at court every Friday and he is the gatekeeper on all cases any time day or night that come through so if there is an arrest at 3:00 A.M., Mr. Greve receives the call to make a determination on whether or not there is adequate evidence to charge and responds to that as well. Mr. Wachter stated as of the last Legal and Personnel Committee meeting retaining him at the requested amount was approved unanimously.

COMMITTEE OF THE WHOLE(continued)

Mayor Gorden stated that to date there has been approximately 3,000 ticket issued.

Mr. Isaacson stated that this is more than salary the City is also paying this to his firm which includes secretarial services and other ancillary items.

Mr. Wachter stated that Mr. Greve covers the copying himself. Mr. Wachter stated that Mr. Greve's letter and the services include secretarial services, legal research, telephone, copy costs and lately he has been utilizing when necessary a second person as well.

Mr. Isaacson stated that the Ordinance states he is entitled to reimbursement for those expenses.

Mr. Wachter stated that even though Mr. Greve can bill for appellate work there have only been a few appellate cases.

Mr. Pasch stated that in no way is he criticizing Mr. Greve's work or his commitment to the City or his work with the Police Department. Mr. Pasch stated that when a letter is written that he has to be in court every Friday and every other Tuesday and in addition to the money he gets the City also contributes to his retirement. Mr. Pasch stated that he understands that there is an increased work load but the dollar figure is higher than what the vast majority, if not all, part-time city assistant prosecutors take in. Mr. Pasch stated that he is aware of how the criminal process works and how you can receive telephone calls in the middle of the night because he has done private criminal defense work for a few years so he is well aware of the middle of the night telephone calls. Mr. Pasch stated that part of Mr. Greve's practice is representing a public municipality and public municipalities do not pay what private clients pay.

Chief Winebrenner stated that he has worked with Mr. Greve for the last 20 years and the Police Department is very pleased with the service he provides. Chief Winebrenner stated that he knows over the last couple of years the amount of work and responsibility has increased dramatically. Chief Winebrenner stated that they call Mr. Greve all times of the day including weekends and holidays and previously we did not need his approval on filing charges but now every time someone is arrested they have to send him copies of the reports and read them and then send them back via email. Chief Winebrenner stated that the court has added a Friday arraignment for Shaker Municipal Court and he is required to attend on Fridays.

Mr. Pasch stated that he would like to amend the Ordinance to keep the pay at \$65,000.00.

Mr. Goodman stated that he is okay with the \$75,000.00 and he would take a compromise at \$70,000.00.

Mr. Horwitz stated that he made that proposal at the Legal and Personnel Committee meeting and when he read Mr. Greve's letter he takes that as an offer for negotiations and does not think that Council should ever just assume if someone asks for a salary increase that the City just gives it to them.

CM 2015-360

COMMITTEE OF THE WHOLE(continued)

Mr. Horwitz stated that Mr. Isaacson brought up the retirement issue which had not previously been raised. Mr. Isaacson stated that Mr. Greve is not a straight 1099 employee but is at \$65,000.00 plus a 14% addition for retirement benefits. Mr. Horwitz stated that at \$75,000.00 he is actually receiving \$85,000.00 although \$10,000.00 is retirement and it is still a benefit to him. Mr. Horwitz stated that at that cost the City should think about retaining another staff member and that is in the range of what the City's Assistant Law Director currently makes. Mr. Horwitz stated that it is insulting to say to her you be here for 40 hours a week every week and Mr. Greve is a part-time employee at \$75,000.00 with retirement. Mr. Horwitz stated that he would agree to \$70,000.00.

Mr. Pasch stated that if Council would meet in the middle at \$70,000.00 he will withdraw his amendment to the Ordinance and re-introduce an amendment at \$70,000.00.

Mr. Wachter stated that at the end of the Legal and Personnel Committee meeting he specifically asked if anyone had an objection to the \$75,000.00 and the answer was no. An \$85,000.00 Assistant Law Director also receives 14% paid by the City and also receives medical along with any other benefits. Mr. Wachter stated that it is not apples to apples.

Mayor Gorden stated that Mr. Greve also uses someone from his firm and it is not billed separately and if the City were to bring this in-house the City would have to do more than just hire one person.

Mayor Gorden stated that what is in front of Council is legislation drafted by the City and he if Mr. Greve states that he will not work for \$70,00.00 and will only work for \$75,000.00 he is within his right to do that but the City is certainly within their right to adjust the piece of legislation.

Mr. Pasch stated that we can place this Ordinance on first reading and someone can reach out to Mr. Greve and tell him Council would like to meet in the middle at \$70,000.00 and would you be willing to accept that. If he says yes we can place is on the December 21st Council agenda.

Mr. Wachter stated that he has heard it from Mr. Horwitz, Mr. Goodman and Mr. Pasch that Council is not willing to support this.

Mr. Isaacson stated that he would be willing to settle at \$70,000.00.

Mr. Pasch withdrew his amendment.

Moved by A. Isaacson, seconded by M.I. Wachter, that Ordinance No. 2015-170 be placed on first reading.

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

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FINANCE AND INSURANCE COMMITTEE(continued)

2. Submitted to Council an Ordinance amending BCO Section 193 titled “Municipal Income Tax” in its entirety; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-152 – Introduced by Fredric S. Goodman
AN ORDINANCE AMENDING BCO SECTION 193 TITLED “MUNICIPAL
INCOME TAX” IN ITS ENTIRETY; AND DECLARING THIS TO BE AN
URGENT MEASURE

Moved by F.S. Goodman, seconded by M.I. Wachter, that Ordinance No. 2015-152 be placed on third and final reading and adopted.

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

3. Submitted to Council an Ordinance making temporary appropriations for current expenditures and other expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2016, January 1, 2016 to December 31, 2016, inclusive; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-171 – Introduced by Mark I. Wachter
AN ORDINANCE MAKING TEMPORARY APPROPRIATIONS FOR
CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF
BEACHWOOD, STATE OF OHIO, FOR THE FISCAL YEAR 2016,
JANUARY 1, 2016 TO DECEMBER 31, 2016, INCLUSIVE; AND DECLARING
THIS TO BE AN URGENT MEASURE

Moved by M.I. Wachter, seconded by M.S. Horwitz, that Ordinance No. 2015-171 be placed on first reading.

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

Moved by M.I. Wachter, seconded by M.S. Horwitz, that Ordinance No. 2015-171 be adopted.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, M.M. Jacobs, M. Mintz, M.I. Wachter
	Abstain:	None.

No: None.

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FINANCE AND INSURANCE COMMITTEE(continued)

Not Voting: None.
MOTION ADOPTED

SAFETY AND PUBLIC HEALTH COMMITTEE

1. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract with Signal Service Company for traffic signal monitoring and regular traffic signal maintenance service through December 31, 2016; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-172 – Introduced by Mark Mintz
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH SIGNAL SERVICE COMPANY FOR TRAFFIC SIGNAL
MONITORING AND REGULAR TRAFFIC SIGNAL MAINTENANE SERVICES
THROUGH DECEMBER 31, 2016; AND DECLARING THIS TO BE AN
URGENT MEASURE

Moved by M. Mintz, seconded by A. Isaacson, that Ordinance No. 2015-172 be placed on first reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M. Mintz, seconded by A. Isaacson, that Ordinance No. 2015-172 be adopted.

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

MOTION ADOPTED

PUBLIC WORKS COMMITTEE

1. Submitted to Council an Ordinance authorizing the Mayor to purchase one (-1-) 2016 Ford F-250 4X4 Truck from Middletown Ford through the State of Ohio Department of Transportation Office of Contract Purchasing Services Cooperative Purchasing Program; and declaring this to be an urgent measure.

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PUBLIC WORKS COMMITTEE(continued)

ORDINANCE NO. 2015-173 – Introduced by Martin S. Horwitz
AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE (-1-) FORD F-250 4X4 TRUCK FROM MIDDLETOWN FORD THROUGH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION OFFICE OF CONTRACT PURCHASING SERVICES COOPERATIVE PURCHASING PROGRAM; AND DECLARING THIS TO BE AN URGENT MEASURE

Moved by M.S. Horwitz, seconded by A. Isaacson, that Ordinance No. 2015-173 be placed on first reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M.S. Horwitz, seconded by A. Isaacson, that Ordinance No. 2015-173 be adopted.

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

MOTION ADOPTED

ECONOMIC DEVELOPMENT COMMITTEE

1. Submitted to Council an Ordinance authorizing the Mayor to enter into an Agreement with the Beachwood Convention and Visitor's Bureau for continuation of funding of the Beachwood Convention and Visitor's Bureau; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-174 – Introduced by James Pasch
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BEACHWOOD CONVENTION AND VISITOR'S BUREAU FOR CONTINUATION OF FUNDING OF THE BEACHWOOD CONVENTION AND VISITOR'S BUREAU; AND DECLARING THIS TO BE AN URGENT MEASURE

Mr. Doutt stated that this is funding for the Beachwood Convention and Visitor's Bureau for 2016. Mr. Doutt stated that on October 15, 2015 the Board of Directors met and agreed to reconfigure the operating structure of the BCBV and that is the proposal in front of Council this evening. Mr. Doutt stated that this structure will reduce the staffing to one part-time Event and Tourism Coordinator and will also providing funding for marketing, membership and tourism and

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ECONOMIC DEVELOPMENT COMMITTEE(continued)

various operational expenses for the BCVB. Mr. Doult stated that the total amount for this funding for 2016 is \$86,000.00 and when compared to this current year it represents a savings of \$64,000.00.

Moved by J. Pasch, seconded by F.S. Goodman, that Ordinance No. 2015-174 be placed on first reading.

ROLL CALL	Yes:	F.S. Goodman, M.S. Horwitz, A. Isaacson, M. Mintz, M.I. Wachter
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Pasch, seconded by F.S. Goodman, that Ordinance No. 2015-174 be adopted.

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

MOTION ADOPTED

2. Submitted to Council an Ordinance authorizing the Mayor to approve the funding of the 2016 Beachwood Media Campaign; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-175 – Introduced by Martin S. Horwitz
AN ORDINANCE AUTHORIZING THE MAYOR TO APPROVE
FUNDING OF THE 2016 BEACHWOOD MEDIA CAMPAIGN;
AND DECLARING THIS TO BE AN URGENT MEASURE

Mr. Doult stated that this year is the first year that the City of Beachwood undertook a media campaign and the City spent approximately \$30,600.00. Mr. Doult stated that once again the City will use both print and radio media to build on the campaign that was started in 2015. Mr. Doult stated that branding is a matter of repetition and it is very important that a strong message be delivered consistently. Mr. Doult stated to please keep in mind that they are redirecting \$64,000.00 from the BCVB to greatly expand and ramp up the number of print ads and radio spots promoting the City of Beachwood. Mr. Doult stated that the City will be in Crain's every week, with once per month testimonials. Mr. Doult stated that over the last several years the City has been in Inside Business. Mr. Doult stated that the City has also done 13 weeks of radio spots on WCPN 90.3, there were 206 radio ads. Mr. Doult stated this coming year with this budget the City will be doing 26 weeks at 312 radio ads.

Mr. Horwitz thanked Mr. Doult and Mrs. Deitrick for organizing all of this and especially at the last Committee meeting.

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ECONOMIC DEVELOPMENT COMMITTEE(continued)

Moved by M.S. Horwitz, seconded by M. Mintz, that Ordinance No. 2015-175 be placed on first reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M.S. Horwitz, seconded by M. Mintz, that Ordinance No. 2015-175 be adopted.

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

MOTION ADOPTED

COMMUNICATIONS COMMITTEE

Mr. Pasch stated that this is an issue he brought up last year and this year and he feels the City is at a juncture now where we have significant amount of new individuals coming to Council and he does not know how they feel about it one way or the other but he views communications in a different light than having a Law Director in place by January 1st. Mr. Pasch stated that he feels it is important that the new Council be involved in the discussion of this contract discussion and to see if a new Council wants to do a half year contract while Council wants to discuss hiring in-house or if they want to renew the Lesic firm contract for a full year or whether they want to vote on this contract as is. Mr. Pasch stated that no matter what is decided he feels that this is an appropriate Ordinance to be discussed by the new Council and he does not feel the City is at the same level of emergency or necessity that the City has this done by January 1st. Mr. Pasch proposes to table this issue. Mr. Pasch stated that external communications for the City were a large campaign topic for several candidates who he thinks has ideas to add to this discussion.

1. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract with Lesic & Camper Communications, LLC for Public Affairs Services for the City of Beachwood from January 1, 2016 through December 31, 2016; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-176 – Introduced by Mark Mintz
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH LESIC & CAMPER COMMUNICATIONS, LLC FOR
PUBLIC AFFAIRS SERVICES FOR THE CITY OF BEACHWOOD FROM
JANUARY 1, 2016 THROUGH DECEMBER 31, 2016; AND DECLARING
THIS TO BE AN URGENT MEASURE

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COMMUNICATIONS COMMITTEE(continued)

Mr. Goodman stated that you cannot table this and Council needs to go through the process.

Mr. Pasch withdrew his Motion to table the discussion and re-introduce it later.

Mr. Mintz stated that Ms. Lesic does an outstanding job and helped him when he was president of Council. Mr. Mintz stated one issue was during the highly contested Chagrin and Richmond and the building of the Aloft hotel and Ms. Lesic was very helpful. Mr. Mintz stated that Ms. Lesic was also very helpful when the City had to increase the income tax. Mr. Mintz stated that it is very important to hear from the administration as to what Ms. Lesic contributes to the City.

Mayor Gorden stated that he strongly advises that City Council approve the contract in front of them this evening. Mayor Gorden stated that the City has been facing many issues over the past several years and Ms. Lesic has guided us through these issues. Mayor Gorden stated that the City would be remiss if they passed on this contract because you do not know what is going to happen tomorrow morning, two months from now or years from now. Mayor Gorden suggested to Council to start in the middle of the year to discuss contracts they have questions about.

Mr. Horwitz stated that by way of history, two years ago he voted against the contract and he did it at that time because he thought for \$85,000.00 there would be a better way to handle this. Mr. Horwitz stated that he is talking about positions and responsibilities and what the City does organizationally. Mr. Horwitz stated that the work of Lesic & Camper is exemplary and he has no problem with the work of Lesic & Camper but his problem initially was that he thought there was a better way of doing this for the money the City is spending. Mr. Horwitz stated that a full-time Communications Coordinator will most likely cost more than we spend with Lesic & Camper plus benefits. Mr. Horwitz stated that an in-house Communications Coordinator would be present every time there is a meeting, contact with reporters and more available to the staff during the day. Mr. Horwitz stated that last year some members of Council made it very clear about changing over to an in-house Communications Coordinator.

Mr. Pasch stated that he has never had a conversation with Ms. Lesic that was not pleasant and he stated it appears that Council does not want to hold off on this vote until the new Council is in place. Mr. Pasch stated that there is no minimum and every time he looks at the bills they are always in the \$6-7,000.00 range. How are the bills incurred?

Mayor Gorden stated that it is a combination of a lot of things and there are certain requirements that the City has placed on Lesic & Camper on a regular basis and those have been fulfilled. Mayor Gorden stated that the City has had the advantage that when the workload increases due to social media and some of the things that have been out there the firm has not charged us additional for this work. Mayor Gorden stated that not everything is better by bringing this in-house.

Mr. Pasch stated that most cities have an internal Communications Coordinator and an outside firm that they work with from time to time.

Mr. Goodman stated that five members of the staff already act as what Mr. Horwitz and Mr. Pasch are suggesting. Mr. Goodman stated that the job has evolved where Mrs. Carmen, Mr. Doult,

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COMMUNICATIONS COMMITTEE(continued)

Mrs. Turick, Mrs. Deitrick, and Ms. McHugh are doing their job and taking it to a certain level then they look to firm such as Lesic & Camper who can bring their experience to even a higher level. Mr. Goodman stated from his experience as Council President he needed to be on the telephone a lot with Ms. Lesic.

Mr. Reali stated that he sent a note to all of the City's contractors that they must have their proposals to the City by June 1st. Hopefully, that will give Council more time to review the contracts.

Moved by M. Mintz, seconded by F.S. Goodman, that Ordinance No. 2015-176 be placed on first reading.

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

Moved by M. Mintz, seconded by F.S. Goodman, that Ordinance No. 2015-176 be adopted.

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

ADJOURNMENT

Moved by F.S. Goodman, seconded by A. Isaacson, to adjourn the Regular Council Meeting at 9:15 P.M. to the next regularly scheduled Council Meeting.

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

Approved:

Clerk

Mayor