

Mr. Horwitz stated that he has two issues that he would like to raise. Mr. Horwitz stated that last week all seven Council candidates participated in two debates; one at the Stratton House and one for the Cleveland Jewish News. Mr. Horwitz stated that all seven candidates, when asked about accountability and transparency, agreed that the time has come for broadcasting City Council meetings. Mr. Horwitz stated that means that at least four members of the current Council now agree that the meetings should be broadcasted, streamed and/or available on-line. Mr. Horwitz stated that after the election, any newly elected member has already committed to this process. Mr. Horwitz stated that he is requesting that this issue be referred to the Communications Committee so that Council can begin to examine how other cities handle broadcasting of Council meetings and begin to establish an RFP for the necessary equipment and services.

COUNCILMEMBER REPORTS (NON-AGENDA ITEMS)(continued)

Mr. Horwitz stated that it also became clear that all Council candidates favor the open on-line availability of the City's financial information. Mr. Horwitz stated that the last few months the City has placed each month's checks in a PDF file which is available on the City's website and that is a great first start. Mr. Horwitz stated that it gives the City an opportunity to say that the City's checks are on-line but it is a cumbersome system to use. Mr. Horwitz stated that if you want to find a check you have to look at the list for each month and there is no easy way to search by a specific check, name or category of expense. Mr. Horwitz stated that based on the consensus of discussion at these debates it is clear that accountability and transparency be in a user friendly manner. Mr. Horwitz stated that he would like to renew his request, which he made a few months ago, to have the City examine the State Treasurer's Ohio checkbook.com program.

Mr. Isaacson stated that he had the opportunity with his family on Sunday to attend Jump Back Jog and what a wonderful job, once again, by the Recreation Department.

Mr. Isaacson stated that he had heard recently from some residents at Wiggins Place in regards to parking issues there and he would like to say that he and Council are aware of the problem and will look into what can be done to correct the problem.

Mr. Jacobs stated that he respects the comments of Mr. Horwitz but recently they had a State Treasurer's article in the paper and approximately 300 municipalities out of 3,000 are currently on-line which is only about 10% of the municipalities. Mr. Jacobs stated that before we jump into this matter we should investigate

Mr. Pasch stated that following up on comments made by Mr. Horwitz regarding streaming of Council meetings, Mr. Pasch stated that he brought this discussion to Council shortly after he was elected and now that there is a majority of Council willing to move forward on this issue the sooner the better. Mr. Pasch stated when this issue is referred to the Communications Committee he would like to make sure that when the meetings are broadcasted that the City does not solely do it on-line but also utilizes the cable television channel. Mr. Pasch stated that there is a large percentage of the community that are seniors and some of them do not use the website and when we move forward hopefully, the City will install cameras or a mechanism that will enable all demographics to be included.

Mr. Pasch stated that in regards to the on-line checkbook and the world of politics he could count on one hand the amount of things that he would be in agreement with regarding the State Treasurer but this is probably one of them. Mr. Pasch stated that it is something he would like to investigate.

Mr. Wachter stated that as he has mentioned before the checkbook has been on-line for some time and when Council performs that investigation he would like to see what is involved in creating that functionality through the City's website. Mr. Wachter stated that the most recent Master Plan survey indicated that most of the residents receive their information from the City's website and if the City can make that same material available on the City's website his preference would be to see that happen.

COUNCILMEMBER REPORTS (NON-AGENDA ITEMS)(continued)

Mr. Wachter stated that all members of City Council received a copy of a terrific letter from Mr. Hugh Harris dated October 16, 2015 reciting the car problem he had a few nights ago and asked that whomever the Patrol Officer was that assisted him be commended because he did not get his name. Mr. Wachter stated that it was Patrol Officer Malliski. Mr. Wachter stated that it was a very nice letter from Mr. Harris who is a resident of Chagrin Falls, Ohio.

Mr. Wachter stated that Police Captain Gary Haba will be taking a trip on November 15th until November 22nd to participate in a mission to Israel which has been sponsored by the Jewish Federation of North America and the local Jewish Federation. Mr. Wachter stated that there will be briefings on mall, retail and worship facilities securities, SWAT team counter terrorism, video analytics, and behavioral recognition. Mr. Wachter stated that Captain Haba will be joined on that trip by Jim Hartnet, a former FBI Agent who is now the Security Coordinator for the Jewish Federation. Mr. Wachter stated that among the people presenting at this event in Israel are Mr. Paul Goldenberg who is the National Director of the CPS Network and is under the Director of Homeland Security.

DEPARTMENT DIRECTOR'S

Mrs. Carmen stated that the Peter Max Exhibit is on display in the Community Center every day from 10:00 A.M. until 6:00 P.M., with Peter Max himself being present on Saturday, October 24th from 6:00 P.M. until 9:00 P.M. and will present the centennial drawing he created to the Mayor and City Council at 5:30 P.M. on Saturday, October 24th and there will be an open reception at 6:00 P.M. Mrs. Carmen stated that Peter Max will also be present at the Community Center on Sunday, October 25th from 1:00 P.M. until 4:00 P.M. Mrs. Carmen stated that there is over 150 pieces of art throughout the Community Center.

CITIZEN'S REMARKS

None.

PLANNING AND ZONING COMMITTEE

1. P&Z 2015-26 Larry Shibley, representing Yours Truly Restaurant, is requesting preliminary and final site plan approval for a proposed addition on the west side of building to be located at 25300 Chagrin Boulevard, Yours Truly Restaurant.

Mr. Wachter introduced Mr. Jeff Shibley who is present this evening. Mr. Wachter stated that this is the building on Chagrin Boulevard near Richmond Road and the proposal that has been made is to push out a wall about four feet which will make the entry aisle, entryway and restrooms more accessible. Mr. Wachter stated that the reason that this is before Planning and Zoning is that this is a non-conforming use perhaps one of the oldest in the City and is a non-conforming restaurant in a Single-Family Residential District so any changes to non-conforming uses that come before the City have to be approved by City Council.

PLANNING AND ZONING COMMITTEE(continued)

Mr. Wachter stated that the Planning and Zoning Commission unanimously approved this proposal. Mr. Wachter stated that one of the other changes is the striping to the parking lot and they are actually losing one parking space near a dumpster but it will enhance the vehicular access and maneuverability around the building.

Mr. Jacobs asked if this was the original building.

Mr. Shibley responded that it was and they have been at that location for 35 years.

Mr. Wachter stated that the drawing shows the four foot bump out. Mr. Wachter stated that one of the reasons that there were no concerns from the Planning and Zoning Commission is that the bump out fills in a notch in the building and it does not add any additional building to the side yard.

Mr. Isaacson asked if the façade of the building was changing.

Mr. Shibley stated yes the façade is changing and showed pictures on the overhead projector. Mr. Shibley stated that it will be a mixture of stone and siding and will be a much cleaner and contemporary look. Mr. Shibley stated that the existing components of the building are difficult to maintain.

Mr. Griswold stated that the Planning and Zoning Committee looked at the pictures that were presented and it will be stunning from what is there now. Mr. Griswold stated that Yours Truly is spending hundreds of thousands of dollars. It will also permit some ADA components to be added to the structure.

Mr. Shibley stated that they will have wheelchair access.

Mr. Isaacson asked if they will be losing the four or five spaces on that side of the building.

Mr. Shibley stated that they will maintain the four to five parking spaces.

Moved by M.I. Wachter, seconded by M.M. Jacobs, that P&Z 2015-26 be adopted.

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

PLANNING AND ZONING COMMITTEE(continued)

2. Submitted to Council an Ordinance amending BCO Chapter 1155.05(i) Keeping of Fowl.

ORDINANCE NO. 2015-94 – Introduced by Mark I. Wachter

AN ORDINANCE AMENDING BCO CHAPTER 1155.05(i) KEEPING OF FOWL

Placed on First Reading and Referred to the Planning and Zoning Commission 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

Mr. Wachter stated that City Council received back from the Planning and Zoning Commission Ordinance 2015-94 on September 24, 2015, and after some discussion and a report from Mr. Smerigan, Mr. Smerigan suggested that the Ordinance be modified and be more specific in terms of not just the number of square feet per animal but the number of animals and that would fix the ultimate size. Mr. Wachter stated that the modification is that the chickens must be contained in a coop no more than four (4) animals and a minimum of four square feet per animal for a total of 16 square feet. Mr. Wachter stated that the other modification that Mr. Smerigan suggested was that the coop had to be located behind the dwelling.

Mr. Jacobs asked about the comments made by the Planning and Zoning Commission.

Mr. Wachter stated that the general questions were about appropriate size, appropriate number for a family that is actually interested in reasonable egg production and that less than four chickens would not be a reasonable amount and any more than that might be a problem and that is why the number was pegged at four (4). Mr. Wachter further stated that if the size of the coop was smaller than the egg production would not be significant. Mr. Wachter stated there were also questions about location such as behind the garage or next to the side of the house so it was very specific that the coop needed to be behind the dwelling. Mr. Wachter stated that a question was also raised as to whether a permit would be needed and both Mr. Griswold and Mr. Smerigan indicated that enforcement could be a problem.

Mr. Jacobs stated that we have changed this ordinance over the years and it mostly suited one or two people. Mr. Jacobs stated that Council has discussed this over the years and the City has also received complaints from neighbors regarding the number of chickens, the smell, and the chickens running around.

Mr. Horwitz asked what has changed in three years regarding this ordinance. Mr. Horwitz stated that the City knew the ordinance read 200 feet and now suddenly it is being changed to 20 feet.

Mr. Wachter stated that Council was asked at that time for animals other than fowl and so the ordinance that was involved was drafted to deal with fowl and goats. Mr. Wachter stated that is when they placed a 200 foot limit eliminating fowl and goats. Mr. Wachter stated that it was an unintended consequences.

CM 2015-305

PLANNING AND ZONING COMMITTEE(continued)

Moved by M.I. Wachter, seconded by M.M. Jacobs, that Ordinance No. 2015-94 be adopted.

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

FINANCE AND INSURANCE COMMITTEE

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

ORDINANCE NO. 2015-141 – Introduced by Alec Isaacson
AN ORDINANCE FOR THE PAYMENT OF CERTAIN BILLS (BILLS)

Moved by A. Isaacson, seconded by J. Pasch, that Ordinance No. 2015-141 be placed on first reading.

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

Moved by A. Isaacson, seconded by J. Pasch, that Ordinance No. 2015-141 be adopted.

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

2. Submitted to Council an Ordinance authorizing the Director of Finance to transfer certain funds from the General Fund to the General Bond Retirement Fund; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-142 – Introduced by James Pasch
AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO
TRANSFER CERTAIN FUNDS FROM THE GENERAL FUND TO THE
GENERAL BOND RETIREMENT FUND; AND DECLARING THIS TO
BE AN URGENT MEASURE

FINANCE AND INSURANCE COMMITTEE(continued)

Moved by J. Pasch, seconded by M.S. Horwitz, that Ordinance No. 2015-142 be placed on first reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Pasch, seconded by M.S. Horwitz, that Ordinance No. 2015-142 be adopted.

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

MOTION ADOPTED

3. Submitted to Council an Ordinance authorizing the Director of Finance to transfer certain funds from the General Fund to the Capital Improvement Fund; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-143 – Introduced by Martin S. Horwitz
 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO
 TRANSFER CERTAIN FUNDS FROM THE GENERAL FUND TO THE
 CAPITAL IMPROVEMENT FUND; AND DECLARING THIS TO
 BE AN URGENT MEASURE

Moved by M.S. Horwitz, seconded by J. Pasch, that Ordinance No. 2015-143 be placed on first reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M.S. Horwitz, seconded by J. Pasch, that Ordinance No. 2015-143 be adopted.

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

FINANCE AND INSURANCE COMMITTEE(continued)

Not Voting: None.
MOTION ADOPTED

4. Submitted to Council an Ordinance authorizing the Mayor to enter into a Contract for and on behalf of the City of Beachwood with the District Board of Health of the County of Cuyahoga, Ohio for the year 2016; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-144 – Introduced by Melvin M. Jacobs
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT FOR AND ON BEHALF OF THE CITY OF BEACHWOOD
WITH THE DISTRICT BOARD OF HEALTH OF THE COUNTY OF
CUYAHOGA, OHIO FOR THE YEAR 2016; AND DECLARING THIS TO
BE AN URGENT MEASURE

Moved by M.M. Jacobs, seconded by A. Isaacson, that Ordinance No. 2015-144 be placed on first reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by M.M. Jacobs, seconded by A. Isaacson, that Ordinance No. 2015-144 be adopted.

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

MOTION ADOPTED

5. Submitted to Council an Ordinance amending appropriations for current expenditures and other expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2015, January 1, 2015 to December 31, 2015, inclusive; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-145 – Introduced by James Pasch
AN ORDINANCE AMENDING APPROPRIATIONS FOR CURRENT
EXPENDITURES AND OTHER EXPENSES OF THE CITY OF
BEACHWOOD, STATE OF OHIO, FOR THE FISCAL YEAR 2015,
JANUARY 1, 2015 TO DECEMBER 31, 2015, INCLUSIVE; AND
DECLARING THIS TO BE AN URGENT MEASURE

Moved by J. Pasch, seconded by M.S. Horwitz, that Ordinance No. 2015-145 be placed on first reading.

FINANCE AND INSURANCE COMMITTEE(continued)

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

MOTION ADOPTED-RULES SUSPENDED

Moved by J. Pasch, seconded by M.S. Horwitz, that Ordinance No. 2015-145 be adopted.

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

MOTION ADOPTED

6. Submitted to Council an Ordinance authorizing the Mayor to purchase Group-Term Life Insurance, including AD&D coverage, for administrative employees and the members of the Dispatch and Service Union, and Short-Term Disability Insurance for administrative employees from Consumer Life Insurance Company; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-146 – Introduced by Alec Isaacson
 AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE
 GROUP-TERM LIFE INSURANCE, INCLUDING AD&D COVERAGE,
 FOR ADMINISTRATIVE EMPLOYEES AND THE MEMBERS OF THE
 DISPATCH AND SERVICE UNION, AND SHORT-TERM DISABILITY
 INSURANCE FOR ADMINISTRATIVE EMPLOYEES FROM CONSUMER
 LIFE INSURANCE COMPANY; AND DECLARING THIS TO BE AN URGENT
 MEASURE

Moved by A. Isaacson, seconded by M.M. Jacobs, that Ordinance No. 2015-146 be placed on first reading.

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

MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by M.M. Jacobs, that Ordinance No. 2015-146 be adopted.

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

CM 2015-309

FINANCE AND INSURANCE COMMITTEE(continued)

Not Voting: None.
MOTION ADOPTED

COMMITTEE OF THE WHOLE

1. Submitted to Council an Ordinance approving current replacement pages to the Beachwood Codified Ordinances; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-147 – Introduced by Melvin M. Jacobs
AN ORDINANCE APPROVING CURRENT REPLACEMENT PAGES TO
THE BEACHWOOD CODIFIED ORDINANCES; AND DECLARING THIS
TO BE AN URGENT MEASURE

Mr. Reali stated this is the yearly update to the Beachwood Codified Ordinance book and it is also updated on-line. Mr. Reali stated that Section 1 represents the changes Council has already made this year, Section 2 represents Traffic and General Offenses, and Section 3 represents changes to the Fire Code.

Mr. Pasch stated that part of this is that the State Legislature has passed laws and it comes before Council to place the State Legislature's updated language in the City's local code.

Mr. Reali stated that the State Legislature has changed Ohio Revised Code provisions and the City's Codified Ordinances now reflect those changes.

Mr. Pasch stated that regarding some of these issues, the City of Beachwood is a home rule state and the City could choose whether or not to update that legislation and it is not mandatory.

Mr. Reali stated that issues such as OVI changes must be incorporated into the City's Codified Ordinances.

Mr. Pasch suggested that he would like the time to review and read through the updates before voting on the updates. Mr. Pasch stated that he would recommend voting on this at the November 2nd Council meeting so that he is able to review the updated ordinances.

Moved by M.M. Jacobs, seconded by M.I. Wachter, that Ordinance No. 2015-147 be placed on first reading.

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

CM 2015-310

PUBLIC WORKS COMMITTEE

1. Submitted to Council an Ordinance authorizing Change Order No. 2 for Burton Scot Contractors, Inc., for the 2015 Asphalt Paving Program; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-148 – Introduced by Martin S. Horwitz
AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 FOR
BURTON SCOT CONTRACTORS, INC., FOR THE 2015 ASPHALT
PAVING PROGRAM; AND DECLARING THIS TO BE AN URGENT
MEASURE

Moved by M.S. Horwitz, seconded by A. Isaacson, that Ordinance No. 2015-148 be placed on first reading.

ROLL CALL	Yes:	M.S. Horwitz, A. Isaacson, M.M. Jacobs, 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. 2015-148 be adopted.

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

MOTION ADOPTED

2. Submitted to Council an Ordinance authorizing the Mayor to enter into a Preventative Maintenance Agreement between the City of Beachwood and the Cuyahoga County Department of Public Works; and declaring this to be an urgent measure.

ORDINANCE NO. 2015-149 – Introduced by Melvin M. Jacobs
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
PREVENTATIVE MAINTENANCE AGREEMENT BETWEEN THE CITY
OF BEACHWOOD AND THE CUYAHOGA COUNTY DEPARTMENT OF
PUBLIC WORKS; AND DECLARING THIS TO BE AN URGENT MEASURE

Moved by M.M. Jacobs, seconded by J. Pasch, that Ordinance No. 2015-149 be placed on first reading.

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

ROLL CALL:

Yes:	M.S. Horwitz, A. Isaacson, M.M. Jacobs, J. Pasch, M.I. Wachter
Abstain:	None.
No:	None.
Not Voting:	None.

MOTION ADOPTED

October 19, 2015

CM 2015-312

ADJOURNMENT(continued)

Approved:

Clerk

Mayor