

Bedford City Council met in a Work Session at Bedford City Hall on Monday, November 16, 2015 at 5:34 p.m. Present: Council Members: Mayor Stan Koci, Marilyn Zolata, Walter Genutis, Greg Pozar, Don Saunders, Paula Mizensak, Sandy Spinks. Absent: None. Administration: City Manager Michael Mallis, Law Director John Montello, Finance Director Frank Gambosi and Clerk of Council Lorree Villers.

### **Law Department**

Mr. Mallis explained Mr. Montello was doing a good job, some of the Law Department's duties were contracted/outsourced to attorneys of specialized practices in regards to the best interest for the City. With Mr. Montello being the previous Assistant Law Director/Prosecutor, it made the transition to Law Director smooth. Mr. Montello thanked everyone for the opportunity and he appreciated the additional help from Mrs. Hollo and Ms. Villers.

Since there was only one person in this department the cost of employee health coverage was brought up by Mr. Pozar who questioned how the amount was determined. Mr. Gambosi explained there was a formula used by COBRA and Medical Mutual to determine the cost of "family" coverage which amounted to approximately \$22,000 per year per employee with the claims being an additional expense to the City. Council did not have any concerns with this department's budget.

### **Council Department**

The discussion continued regarding medical coverage. Mr. Pozar pointed out with some of the ages of Council they were Medicare eligible, the costs for spouses was also substantial/a lot and this topic should be discussed in further depth. Mr. Gambosi said the Council September report showed a cost was \$9,700 per month x 12 months and claims of \$2,300 for Administrative costs. There was discussion as to how eligible people were addressed with the new PERS changes, if an employee was "re-employed" and discussion of a possible medical opt-out type payment/program for the employees/Council as other City's offer this type of program. It was determined Mr. Gambosi would gather information from our Medical Mutual representative and PERS for the December 7, 2015 Work Session.

Mayor Koci began discussion of the Regular Council Meeting agenda.

Council had no changes to the Work Session of November 2, 2015, the Regular Meeting of November 2, 2015 and the Budget Work Session of November 9, 2015.

Ordinance No. 9314-15 was the rezoning of the Sisters of Charity Property "R-1 to R-4" (P.P. 814-19-002 & 814-19-003). Was in conjunction with Ordinance No. 9313-15 which also went to the Planning Commission on August 4, 2015, the Planning Commission Public Hearing on September 29, 2015 first reading and amended on October 5, 2015, second reading and amended again on October 19, 2015 and amended and tabled on November 2, 2015.

At the October 5, 2015 and October 19, 2015 Work Sessions, Council had some concerns regarding the wording. Mr. Montello contacted Mr. King again to further discuss amending this Ordinance pertaining to the Sisters of Charity property. Council amended it to read: 1) The rezoning to "R-4" is conditioned on the Testa Company's purchase of parcels P.P. 814-19-002 and 814-19-003 for the specific purpose of operating an Independent Senior Living facility for individuals 55 years of age or older. Further, the facility shall consist of approximately 60 units within existing buildings including new additions thereto and shall operate as a senior living facility only. No one younger than 55 years of age shall be permitted to live in the units unless the person is a spouse or otherwise permitted by law. 2) Testa shall also be permitted to partner with Hattie Larlham to convert the "school building" into units for people with developmental disabilities with no age restriction. In the event Hattie Larlham does not partner with Testa, the "school building" shall

also be used for senior living apartments subject to the conditions stated in paragraph one. 3) At or around the time of deed transfer, Testa shall parcel out and lot split the Catered Elegance facility, the Catered Elegance parking lot and the Light of Hearts Villa property as depicted on the map attached hereto and incorporated by reference. Those parcels are not subject to the rezoning and shall remain zoned "R-1". 4) The current percentage of green space as shown on said map shall remain green space and the existing Shrine shall remain until otherwise agreed to by the parties. 5) The parties shall memorialize the above in the form of deed restrictions approved by the City Manager and Testa. On November 2, 2015, Council requested in Section 1 (1) the wording "or otherwise permitted by law" be removed and at the Regular meeting that night Mr. King requested clarification and the ordinance was tabled. Mr. Montello explained Mr. King agreed to the amendment for this evening. Everyone was content with the amendments.

Ordinance No. 9317-15 amended Chapter Nine adding Chapter 178 "Municipal Income Tax" (§161-§177 remain in full force prior to 2016). Mr. Gambosi explained the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government delegated by the people of the State to the people of municipalities. Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipality's power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes". The General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio. The General Assembly enacted H.B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax was "levied in accordance with the provisions and limitations specified in [Chapter 718]". Detailed review of H.B. 5 and the Codified Ordinances of the City of Bedford, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code. Council needed to determine that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in [Chapter 718]" and thus reluctantly are adopted by this Council but are disclaimed to the extent that they are unlawful or unconstitutional. This was read as first reading October 19, 2015 and second reading on November 2, 2015. Mr. Gambosi informed Council there were two amendments to the exhibit. Council had no issues.

Ordinance No. 9323-15 was for a master subscription and service agreement with eCivis, Inc. in the amount of \$2,635. Mr. Mallis reiterated two employees had attended a seminar where they felt this service would benefit the City. This was read as first reading October 19, 2015 and second reading on November 2, 2015.

Ordinance No. 9324-15 accepted the titles to parcels of land obtained through the CCLRC identified as: P.P. #813-16-065, #813-21-019, #813-31-022, #813-31-023, #814-10-111. The City's Land Reutilization Program fostered the return of non-productive land to tax revenue generating status or the devotion to public use. The CCLRC would revitalize neighborhoods, promote economic growth and create job and workforce development opportunities and assist local governments in effective use and re-use of vacant properties. The CCLRC agreed to acquire these parcels and desired to return the parcels to the City for use. This was read as first reading October 19, 2015 and second reading on November 2, 2015.

Ordinance No. 9332-15 waived the estimated penalty payments & interest on Municipal Income Tax pertaining to Chapter 178. Mr. Gambosi explained the payments needed to be made on time or there would be a penalty and they would be billed. This was read as first reading on November 2, 2015.

Ordinance No. 9333-15 appointed three (3) members to the Local Board of Tax Review pertaining to ORC 718 and the City of Bedford's Codified Ordinance Section 178.18 for a 2 year term. This was read as a first reading on November 2, 2015.

**Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Jake Friedl, 445 Lamson Avenue, Bedford who was seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for a variance to construct a 1,883 square foot home, not including the two car attached garage**

At the November 2, 2015 Regular Council meeting Mr. Pozar requested this item be tabled until the City Engineer determined the use and made a recommendation. Mayor Koci then explained the Board of Zoning approved it with the condition of the City Engineer's recommendation. At that time, Mayor Koci requested the roll call be called; there was no first or second on the motion therefore it was incomplete. Council would clarify their intent this evening.

Resolution No. 2498-15 rescheduled the Organizational meeting to January 4, 2016. Council agreed with the meeting date.

Ordinance No. 9334-15 authorized expenditure of funds for the 2016 Council Inauguration Ceremony not to exceed \$1,000.00. Council agreed with the amount.

Ordinance No. 9335-15 amended Ordinance No. 9232-15 a contract with GPD Group for engineering services. It was determined this would be read as a first reading this evening.

Ordinance No. 9336-15 contracted with Insight Pipe Contracting-Broadway Sewer project in the amount of \$65,590. Mr. Mallis explained this was under the Engineer's estimate and was the lowest bid.

Ordinance No. 9337-15 amended §911.03 water and sewer rate reduction for senior citizens & disabled. It was determined this would be read as a first reading this evening.

Ordinance No. 9338-15 authorized City Manager to advertise for bids for residential water meters. Mayor Koci said this was to advertise the bidding process not award the job/project.

Ordinance No. 9339-15 authorized City Manager to advertise for bids for Solon/Broadway vault pressure reducers. Mayor Koci reiterated this was to advertise the bidding process not award the job/project.

Ordinance No. 9340-15 purchased the property at 34 Union Street in the amount not to exceed \$170,000 which included closing costs known as P.P. 814-01-010. Mr. Mallis explained this amount included the closing costs and would secure the grounds for future development.

Ordinance No. 9341-15 amended Ordinance No. 9231-14 making additional appropriations for 2015. Mr. Gambosi explained the amendments were the following: the General Fund the Building Department needed additional appropriations for Planning Commission meetings, rehabilitation costs for insurance reimbursements for 775 Lincoln claim and a police car claim, Law Department needed more funds for contracted law services with workers comp, a lawsuit, union negotiations, land bank transactions,

Bricker & Eckler project, Municipal Building Department needed appropriations for property taxes and backups for computers, printers and screens and the purchase of the Moonglow Tavern at \$170,000. Fund 212 Fire Equipment Fund items purchased were over budget. Fund 213 Grants Fund appropriations were needed for Heightened Law Enforcement Grant and Eagles Donations. Fund 500 Water Fund was to account for the Columbus Road Bridge water main at \$75,000. Fund 501 Wastewater Fund was to appropriate fund for capital outlay of the Broadway Sewer Lining Project at \$65,590.

Ordinance No. 9342-15 was the City of Bedford's 2016 Appropriation Budget. Mr. Gambosi stated this was the first step toward the 2016 budget and requested this ordinance be read three times.

Discussion of the Regular Meeting agenda was concluded.

#### **DISCUSSION OF §505.20 "HUNTING PROHIBITED" & ENACTING §505.26 "SPECIAL PERMITS FOR CULLING DEER"**

Mr. Mallis explained the potential areas for culling deer were the WWTP, Turney, Willard and Button to name a few. He explained the changes were as follows: §505.20 would be renamed as "Hunting and Trapping Regulated" where no person shall hunt, kill, attempt to kill, or trap any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality, except as follows: 1) A law enforcement officer or animal warden in discharge of his or her duties; and 2) Any person authorized by the Police Chief while participating in a city authorized animal control program; 3) A state licensed nuisance animal trapper or property owner, utilizing trapping or culling methods in accordance with rules and regulations established by the Chief of Police and or The Ohio Division of Wildlife; 4) Any person participating in a city approved Deer Management Program and no person shall set or maintain any trap within the municipality, except under the authority of the owner or lawful occupant of the premises and the Chief of Police and whoever violates this section is guilty of a misdemeanor of the first degree.

Also this ordinance enacted §505.201 into the Codified Ordinances to read as follows: §505.201 "Special Permits for Culling Deer". Special permits may be issued by the Chief of Police with the approval of the City Manager for culling deer on private or public property by means of archery or other methods permitted by the Chief of Police provided the appropriate permit(s) have already been obtained from The State of Ohio, Division of Wildlife, and there was compliance with all state and local regulations. Plus, whoever violates this section was guilty of a misdemeanor of the first degree. It was determined this item would be placed for first reading on December 7, 2015.

#### **DISCUSSION OF ENACTING §505.26 ENTITLED "INTERFERENCE WITH TAKING WILDLIFE"**

Mr. Mallis explained §505.26 would be titled "Interference with Taking Wildlife". The guidelines were: No person may, for the purpose of hindering or preventing the lawful taking of wildlife pursuant to the city's Wildlife Management Program as set forth in Codified Ordinance §505.20 herein, engage in any of the following conduct: 1) Block, obstruct, impede or attempt to block, obstruct or impede a person lawfully taking wildlife; 2) Erect a barrier with the intent to deny ingress or egress from areas where wildlife may be lawfully taken; 3) Make or attempt to make unauthorized physical contact with, or in any way interfere with a person lawfully taking wildlife; 4) Engage in or attempt to engage in theft, vandalism or destruction of personal or real property intended for use in the lawful taking of wildlife; 5) Disturb or alter, or attempt to disturb or alter the condition or authorized placement of personal or real property intended for use in the lawful taking of wildlife; 6) Enter or remain upon public lands or waters, or upon private lands or waters without the permission of the owner thereof, or an agent of that landowner, where wildlife may be lawfully taken and 7) Make or attempt to make loud noises or gestures; set out or attempt to set out animal baits,

scents, lures or human scent; use any other natural or artificial visual, aural, olfactory or physical stimuli, or engage in or attempt to engage in any other similar action or activity in order to disturb, alarm, drive, attract or affect the behavior of wildlife, or disturb, alarm, disrupt, annoy or interfere with a person lawfully taking wildlife. A 200-foot buffer zone around any authorized and designated site being used for an animal or wildlife control program as established in §505.20 and §505.201. No person shall enter the 200-foot buffer zone during the implementation of any program as authorized in §505.20 and 505.201; provided, however, that the buffer zone authorized herein shall not extend over any land owned by a private landowner unless such private landowner has consented to the use of his or her land as an authorized and designated site. It would not apply to a law enforcement officer, game officer or conservation officer enforcing the laws of the state or any local ordinance, nor shall it apply to any private landowner, or agent thereof, on land or waters owned by that private landowner, nor anyone officially authorized by the city to engage in the city's Wildlife Management Program. The City and/or the Division of Wildlife may initiate a civil action in the Court of Common Pleas for injunctive and other relief for any violation of this section. Any person who violates any provision of this section would be guilty of a misdemeanor of the first degree for each violation. It was determined this item would be placed for first reading on December 7, 2015.

#### **DISCUSSION OF AMENDING §549.09 "THROWING OR SHOOTING PROJECTILES"**

Mr. Mallis explained no person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar projectile capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. He said the sections that did not apply were: 1) Supervised archery ranges; 2) Person(s) authorized by the Chief of Police while participating in a city authorized animal control or deer management program; 3) Programs of instruction authorized by the City Manager or Chief of Police and 4) Any other lawfully authorized programs. Violators would be guilty of a misdemeanor of the third degree. It was determined this item would be placed for first reading on December 7, 2015.

#### **DISCUSSION OF COUNCIL EXPENDITURES**

Mr. Pozar requested these items be placed on the agenda for discussion on November 2, 2015. He felt all of Council should have a decision whether other Council members and/or the Council Clerk attended various seminars or continuing education classes because of the amount of money that was being spent. Council should not be any different than the City employees because some of these trips were costly. Council should authorize other Council members to spend money as it was done for all other employees. There should be some type of report given so others knew the importance of the seminar and whether it pertained to Council/City business. He felt there should be a process to authorize Council to spend the funds for all organizations, traveling, seminars and continuing education. Mrs. Spinks explained she brought back the Healthy School, Healthy Cities and some programs for Ellenwood Recreation Center which she was implementing. She brought back booklets and information from the recent NLC seminar in which she intended to report at a future meeting. Mr. Pozar wanted Council to be transparent for the public to ensure the trips were City business related to avoid the perception of a paid vacation. Mr. Gambosi explained the new idea/path of transparency was to post information/costs on the City's website for everyone to review. It was determined some of the continuing education classes were necessary but the costs and time spent needed to be discussed.

He again suggested the Council and City Manager membership dues that totaled \$10,000+ be reviewed to see if all the organizations were necessary.

#### **DISCUSSION OF VICE-MAYOR**

This item was not discussed.

**DISCUSSION OF COUNCIL LIAISON FOR ARTS & CULTURAL BOARD**

This item was not discussed.

**DISCUSSION OF COUNCIL LIAISON FOR BOARDS & COMMISSIONS (§123.16)**

Mayor Koci said Council liaisons for other Boards and Commissions should be brought before Council for discussion and appointed by Council. Council agreed.

Motion made by Genutis and seconded by Spinks to go into executive session to discuss Personnel and Economic Development. The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizesak, Genutis, Saunders, Pozar. Nays: None. Motion carried unanimously.

At 7:45 p.m., Bedford City Council, City Manager Mike Mallis, Law Director John Montello, went into an executive session to discuss Personnel, Economic Development and Litigation.

Executive session adjourned at 7:57 p.m.

Work Session adjourned at 7:59 p.m.



James Jellars

Clerk of Council



Mayor – President of Council

Bedford City Council met in Regular Session at Bedford City Hall on Monday, November 16, 2015. Mayor Koci called the meeting to order at 8:03 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Absent: None.

Motion made by Zolata and seconded by Genutis to approve the minutes of the Work Session of November 2, 2015. The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Koci. Nays: None. Abstain: Spinks. Motion carried.

Motion made by Mizensak and seconded by Pozar to approve the minutes of the Regular Meeting of November 2, 2015. The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Koci. Nays: None. Abstain: Spinks. Motion carried.

Motion made by Zolata and seconded by Genutis to approve the minutes of the Budget Session of November 9, 2015. The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Zolata, Spinks, Koci. Nays: None. Abstain: Saunders. Motion carried.

Mayor Koci presented Meals on Wheels representative Betty Schuette a check for \$950 from the City Hall dress down Friday's and \$500 from the Fire Department employee donation. Ms. Schuette appreciated and thanked all of those who participated. Sarah Davidson from the Hawthorn Valley Youth Counsel gave a report to Council explaining they were learning about the judicial and legislation process in order to prepare for the Columbus trip. Mayor Koci told Ms. Davidson everyone appreciated the hard work they've been doing. He introduced HVYC Council Liaison Yvonne Sudberry.

ORDINANCE NO. 9314-15 AN ORDINANCE REZONING THE SISTERS OF CHARITY PROPERTY DESCRIBED HEREIN FROM "R-1" TO "R-4" CLASSIFICATION WAS PLACED ON FIRST READING OCTOBER 5, 2015, SECOND READING ON OCTOBER 19, 2015 AND TABLED ON NOVEMBER 2, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY (8/4/15 PC – 9/29/15 PC PH – 1<sup>st</sup> Rdg 10/5/15 Amended – 2<sup>nd</sup> Rdg 10/19/15 Amended – 11/2/15 Tabled)

Motion made by Zolata seconded by Genutis to remove Ordinance No. **9314-15** from the table.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Saunders to amend Ordinance No. **9314-15**.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Spinks to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Mr. Mallis explained this was to rezone the Sisters of Charity property from "R-1" to "R-4" to allow a senior living facility as indicated in 1 through 5 as stated in the ordinance. The City felt this was the best use of this property.

Motion made by Mizensak seconded by Pozar to place Ordinance No. **9314-15** on third and final reading and passed.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9317-15 AN ORDINANCE AMENDING TITLE NINE OF THE ADMINISTRATIVE CODE ADDING CHAPTER 178 “MUNICIPAL INCOME TAX” FOR THE TAX YEARS COMMENCING JANUARY 1, 2016 AND AUTHORIZING THAT CHAPTERS 161 THRU 177 “INCOME TAXATION” SHALL REMAIN IN FULL FORCE AND EFFECT FOR TAX YEARS PRIOR TO 2016 PLACED ON FIRST READING OCTOBER 19, 2015 AND SECOND READING ON NOVEMBER 2, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Zolata to amend [Exhibit “A”] Ordinance No. 9317-15.

Mr. Gambosi explained this was a new chapter in line with HB5 requirements throughout the state; the exhibit had amendments made throughout the three reading process and the current information was on the City’s website.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Saunders to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Spinks to place Ordinance No. **9317-15** on third and final reading and passed.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9323-15 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MASTER SUBSCRIPTION AND SERVICE AGREEMENT WITH eCIVIS, INC. PLACED ON FIRST READING ON OCTOBER 19, 2015 AND SECOND READING ON NOVEMBER 2, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Zolata seconded by Spinks to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Saunders to place Ordinance No. **9323-15** on third and final reading and passed.

Mr. Mallis explained this subscription would be through 2016; this master subscription assisted in grant funding opportunities. Mayor Koci said this was another tool to apply for funding for the City.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9324-15 AN ORDINANCE AUTHORIZING THE CITY OF BEDFORD TO ACCEPT THE TITLES TO PARCELS OF LAND OBTAINED THROUGH THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION IN THE CITY OF BEDFORD PLACED ON FIRST READING ON OCTOBER 19, 2015 AND SECOND READING ON NOVEMBER 2, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY (P.P. #813-16-065, #813-21-019, #813-31-022, #813-31-023, #814-10-111)

Motion made by Mizsak seconded by Saunders to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizsak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Genutis to place Ordinance No. **9324-15** on third and final reading and passed.

Mr. Gambosi explained the four vacant parcels would be added to the City's land bank without taxes being applied.

The roll was called. Vote – Yeas: Mizsak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9332-15 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO WAIVE ESTIMATED PENALTY PAYMENTS AND INTEREST ON MUNICIPAL INCOME TAX THAT IS LEVIED PURSUANT TO CHAPTER 178 OF THE BEDFORD CODIFIED ORDINANCES PLACED ON FIRST READING ON NOVEMBER 2, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Zolata to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizsak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Pozar to place Ordinance No. **9332-15** on third and final reading and passed.

Mr. Gambosi explained the Bedford Codified Ordinance outlined his duties and this would allow him to waive the estimated penalty payments and interest on municipal income tax.

The roll was called. Vote – Yeas: Mizsak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9333-15 AN ORDINANCE ESTABLISHING A LOCAL BOARD OF TAX REVIEW AS MANDATED BY SECTION 178.18 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD PLACED ON FIRST READING ON NOVEMBER 2, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizsak seconded by Pozar to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Zolata to place Ordinance No. 9333-15 on third and final reading and passed.

Mr. Gambosi explained two of the members were selected by Council and one by the City Manager as stated in the ordinance. This Board does not meet often.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Jake Friedl, 445 Lamson Avenue, Bedford who was seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for a variance to construct a 1,883 square foot home, not including the two car attached garage. (11/2/15 - Incomplete motion by Council)

Motion made by Spinks seconded by Genutis to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Jake Friedl, 445 Lamson Avenue, Bedford who was seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for a variance to construct a 1,883 square foot home, not including the two car attached garage.

The roll was called. Vote – Yeas: Mizensak, Genutis, Saunders, Zolata, Spinks, Koci. Nays: Pozar. Motion carried.

Congratulations were given to Mr. Saunders, Mr. Genutis and Mrs. Mizensak for their Council re-elections, Mrs. Mizensak received congratulations on her 50<sup>th</sup> Wedding Anniversary, wishes were sent to everyone to have a Happy Thanksgiving, thanks was given to the Meals on Wheels for their much needed service and congratulations to the Eagles Officer and Firefighter of the year. Council was pleased with the participation of the Hawthorne Valley Youth Council students and the participation of the Council Liaison Yvonne Sudberry.

City Manager Michael Mallis explained the City was still in the process of collecting leaves. The Rockside Road project was still underway; the line was welded and was providing adequate pressure. He congratulated Officer Futo and Firefighter Latkovic for being selected for the annual Officer and Firefighter of the year. He mentioned the new K-9 was successful in finding a recent lost troubled child within minutes in the Metroparks. He commended the efforts of Officer Futo in successfully securing the new K-9 with the generous Automile donation which allowed the K-9 to join the Police Department. He appreciated the efforts of the employees in donating to the Meals on Wheels and the other organizations. He commended the donations of the Eagles. He urged everyone to attend the Tree Lighting ceremony November 25, 2015 at 6:00 p.m. where the Cleveland Ballet would perform. The old Doty & Miller building would now be occupied by a new software company employing about 30-40 employees.

No report from Law Director John Montello, Finance Director Frank Gambosi and Councilman Pozar.

Councilwoman Mizensak thanked everyone for their support in her recent re-election. She explained the Eagles generously donated \$5,000 to the Historical Society and she thought there was another donation of some type in the amount of \$15,000 from another organization.

Councilman Genutis again asked for leaves for the Bedford community gardens.

Councilman Saunders announced the local Salvation Army fundraiser dinner was November 22, 2015 at Ellenwood Recreation Center from 5:00 p.m. to 7:00 p.m. for a donation of \$10.00 which was a fantastic service for those in need. He reiterated the Rockside Road bridge project approach slabs needed special attention to make sure they were properly installed and compacted; bridges constantly move so this project needed inspected thoroughly.

Councilwoman Zolata said she appreciated the report from the HVYC; this was a good work ethic for them to learn at their young ages as they are representing the City. She announced the new construction at Forbes Road and Broadway Avenue would be a gas station, drive thru and quick mart. She wished the Sisters of Charity the best of luck on the sale of their property.

Councilwoman Spinks thanked the residents and the staff for their support during her recent heart cauterization. She spoke of her recent trip to NLC where 4,000 attended and 1,000 were students from all over the Country. She intended to give a report regarding her trip. She said Ganley donated \$200 to go towards 2016 holiday meals for those in need. She announced the Greencroft Road community meeting would be the week of December 7, 2015 at the Ellenwood Recreation Center; she would clarify at a later date. The Wal-Mart construction was still underway.

Mayor Koci expressed his concern and support regarding the recent horrible terrorist incident in Paris. He explained Veteran's Day was for all the people who previously served and currently served no matter what position they held; he thanked all the Vets for their service.

RESOLUTION NO. 2498-15 A RESOLUTION AUTHORIZING THE CITY TO HOLD ITS CEREMONIAL ORGANIZATIONAL MEETING ON JANUARY 4, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Pozar seconded by Mizensak to suspend the rule requiring the reading of said resolution three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Saunders to place Resolution No. **2498-15** on third and final reading and passed.

Mayor Koci explained due to the holiday weekend the date was changed to accommodate the community and everyone's family.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9334-15 AN ORDINANCE AMENDING ORDINANCE NO. 9127-13 AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE 2016 COUNCIL INAUGURATION CEREMONY AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizensak seconded by Saunders to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Genutis to place Ordinance No. **9334-15** on third and final reading and passed.

Mr. Gambosi explained per the State Auditor's Office any type of expenditure associated to a celebration of Council needed to be approved ahead of time.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9335-15 AN ORDINANCE AMENDING ORDINANCE NO. 9232-15 PROVIDING FOR A CONTRACT WITH GPD GROUP FOR ENGINEERING SERVICES WITHIN THE CITY OF BEDFORD AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Pozar seconded by Saunders to place Ordinance No. **9335-15** on first reading.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9336-15 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INSIGHT PIPE CONTRACTING BEING THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER, AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Zolata seconded by Genutis to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Pozar to place Ordinance No. **9336-15** on third and final reading and passed.

Mr. Mallis explained this was the Broadway sanitary sewer that fed the Pinecrest/Edgecliff area of town. This improvement was delayed from four years ago due to budgetary constraints. It was now time to address the issue, the bid amount was 18% below the expected cost and this specific company was qualified to perform the work plus it was the lowest bid.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9337-15 AN ORDINANCE AMENDING ORDINANCE NO. 8863-11 CODIFIED ORDINANCE §911.03 "RATE REDUCTION FOR DISABLED PERSONS AND SENIOR CITIZENS" FOR WATER AND SEWER DISCOUNTS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Zolata seconded by Genutis to place Ordinance No. **9337-15** on first reading.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Mayor Koci explained the next two ordinances authorized the City Manager to go out for bid; not to award the bid.

ORDINANCE NO. 9338-15 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PREPARE SPECIFICATIONS AND TO ADVERTISE FOR BIDS TO REPLACE ALL RESIDENTIAL WATER METERS WITH METERS THAT HAVE THE CAPABILITY TO BE READ REMOTELY AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Saunders to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Saunders to place Ordinance No. **9338-15** on third and final reading and passed.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9339-15 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PREPARE SPECIFICATIONS AND TO ADVERTISE FOR BIDS TO INSTALL VAULTS AND PRESSURE REDUCERS AT THE SOLON ROAD AND BROADWAY AVENUE/HENRY STREET MASTER METER LOCATIONS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Saunders seconded by Mizensak to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Zolata to place Ordinance No. **9339-15** on third and final reading and passed.

Mr. Mallis explained this was necessary to address the increased pressure the City was experiencing from Cleveland Water in hopes to alleviate some of the water line breaks and the quality of water; funds were available in the Water Fund.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9340-15 AN ORDINANCE AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 34 UNION STREET (PP 814-01-010) AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Pozar seconded by Saunders to place Ordinance No. **9340-15** on first reading.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9341-15 AN ORDINANCE AMENDING ORDINANCE NO. 9231-14 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Pozar seconded by Mizensak to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Zolata to place Ordinance No. **9341-15** on third and final reading and passed.

Mr. Gambosi explained this was necessary to keep the 2015 budget in line for the following: the General Fund the Building Department needed additional appropriations for Planning Commission meetings, rehabilitation costs for insurance reimbursements for 775 Lincoln claim and a police car claim, Law Department needed more funds for contracted law services with workers comp a lawsuit, union negotiations, land bank transactions, Bricker & Eckler project, Municipal Building Department needed appropriations for property taxes and backups for computers, printers and screens and the purchase of the Moonglow Tavern at \$170,000. Fund 212 Fire Equipment Fund items purchased were over budget. Fund 213 Grants Fund appropriations were needed for Heightened Law Enforcement Grant and Eagles Donations. Fund 500 Water Fund was to account for the Columbus Road Bridge water main at \$75,000. Fund 501 Wastewater Fund was to appropriate fund for capital outlay of the Broadway Sewer Lining Project at \$65,590.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9342-15 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR **2016** AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Genutis to place Ordinance No. **9342-15** on first reading.

The roll was called. Vote – Yeas: Mizensak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. Nays: None. Motion carried unanimously.

Mayor Koci said that concluded the business portion of the meeting and asked if anyone in the audience had any comments.

Kathy Williams, 491 Lamson, referenced Ordinance No. 9340-15 and asked what 34 Union Street was. Mayor Koci said it was the Moonglow Traven and it was in the best interest to the City to control the property/grounds for future development.

James Jeffers, 102 E. Interstate Street, asked if it was mandated by City Code that the new rubbish/recycling containers be used because seniors were concerned of their size. He notice the 213-221 Union Street apartments were not using the containers. He stated he was not going to use the new containers during the winter season because he did not know how he was going to get them to his tree lawn. It was reiterated that the resident place the containers at the end of their drive/apron, on the tree lawn or sidewalks; the truck has an eight foot boom/reach to grasp the containers. It was reiterated the Kimble containers needed to be used for automation purposes to keep the costs down. It was clarified that the apartments had to contract with their own rubbish service for dumpster pickup and not all the condos

