

**COUNCIL WORK SESSION  
Monday, December 17, 2012  
Amended**

**6:00 P.M. PROMPT**

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**Dinner will be served**

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- **DISCUSSION OF HB601 WITH JOHN BARNES**
- **DISCUSSION OF AGENDA**
- **DISCUSSION OF STUDENT GOVERNMENT DAY – (February 4<sup>th</sup>, 5<sup>th</sup> or 6<sup>th</sup>)**
- **DISCUSSION OF 2013 FIREWORKS – (Postponed until 1/7/13)**
- **DISCUSSION OF BOARDS & COMMISSIONS RE-APPOINTMENT  
– Board of Building Standards and Appeals**
- **DISCUSSION OF NATIVITY SCENE**
- **EXECUTIVE SESSION – personnel**

Bedford, Ohio

December 17, 2012

Bedford City Council met in a Work Session at Bedford City Hall on Monday, December 17, 2012 at 6:03 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Greg Pozar, Marilyn Zolata, Donald Saunders, Paula Mizsak. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Henry J. Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman, Police Chief Greg Duber, Fire Chief Dave Nagy, Walton Hills Mayor Kevin Hurst. Absent: Stan Koci. Guest: Representative John Barnes.

Representative John Barnes, Mr. Gambosi and Mr. Angelo discussed House Bill 601 in a separate room so they could focus on the issue. They would join Council later during the Work Session to summarize their concerns regarding the bill.

Mayor Pocek started the agenda topics for discussion.

Council had no issues with the December 3, 2012 Work Session minutes, the December 3, 2012 Regular Council minutes or the Public Hearing minutes of December 3, 2012.

Ordinance No. 9019-12 was an ordinance establishing Chapter 555 of the Codified Ordinance of the City of Bedford entitled "Massage Establishments". It was determined this would be tabled until the Administration and Council could review it more.

Ordinance No. 9024-12 was an ordinance amending Ordinance No. 9022-12 authorizing the Finance Director to establish and maintain a new fund for the Bedford Municipal Court entitled "Bedford Municipal Court Legal Resource Fund". Mr. Schuman briefly noted the previous amendment from December 3, 2012 was made in error. Council had no concerns.

Ordinance No. 9025-12 was an ordinance authorizing the City of Bedford to certify to the County Fiscal Officer the costs associated with police response to 172 John Street as said homeowner is in violation of Bedford's Criminal Nuisance ordinance. This household was a repeat offender and to date the landlord has not paid any costs which were over \$1,000. The police officers would continue to monitor the situation.

Ordinance No. 9026-12 was an ordinance authorizing the City of Bedford to pay for the cremation expense of Edward Kish, Sr. Mr. Schuman explained this was another situation where the City had to pay the expenses because the family would not. The deceased had no assets so the City was obligated to pay for the cremation. It was noted Chuck St. John has always been willing to help the City out on a situation like this.

Ordinance No. 9027-12 was an ordinance authorizing the City Manager to enter into an operating lease of one Connect+ 2000 Series WOW Postage Meter from Pitney Bowes. Mr. Gambosi had previously explained at the December 3, 2012 Work Session that the leases on the current machines were almost over and it was time to upgrade to better equipment and cost savings for the postage meter, folding machine, training and software.

Ordinance No. 9028-12 was an ordinance authorizing the City Manager to enter into an operating lease of one DI425 FastPac Folding Machine from Pitney Bowes.

Ordinance No. 9029-12 was an ordinance authorizing the City Manager to enter into an operating lease for SmartMailer 7 Series Mail Management Software from Pitney Bowes.

Ordinance No. 9030-12 was an ordinance authorizing the City Manager to enter into a contract with All Structures, Inc. dba B-Dry System – Cleveland. Mr. Schuman explained this was necessary to fix the elevator

shaft so it could pass inspection. There was a water leak in the Court's elevator shaft and it was necessary to have it fixed.

Ordinance No. 9031-12 was an ordinance authorizing additional work for the Bedford WWTP Equalization Basin Improvements. Mr. Schuman explained there was some additional work that needed to be done per Joe Ciuni. There were 38 flap valves that needed replaced.

The next ordinance needed to be added to the agenda this evening. This would allow Mr. Gambosi to close the books for 2012. Mayor Pocek asked Council to make a motion to do so in order to amend the agenda.

Ordinance No. 9032-12 was an ordinance amending Ordinance No. 8905-11 making additional appropriations. Mr. Gambosi was with Representative Barnes for discussion on HB 601 so Council reviewed the memo and they were okay with the amending the agenda to add the legislation.

The motions on the agenda from the December 4, 2012 Planning Commission's recommendation was for KIA of Bedford's nice building expansion and the request from Steve Spinelli to lease space to Kilgor Auto Care located at 932 Broadway Avenue. Council was pleased to have the KIA dealership in Bedford and the expansion was a positive thing. They were also content with the business that would be moving into Mr. Spinelli's building.

Mayor Pocek noted Heather Starn was not able to hold Student Government Day on February 19, 2013 because it did not fit her schedule. Council decided to have the program on February 6, 2013 at City Hall.

Council members were okay with postponing the 2013 fireworks discussion to January 7, 2013.

Mrs. Zolata recommended the appointment of Ken Wilson for the Board of Building Standards and Appeals. Council had no issues with the recommendation. Mr. Wilson of West Monroe Street would be appointed on January 7, 2013.

Council and Mr. Schuman discussed the situation with the Nativity Scene that was located in front of the Fire Department. The City had received a memo/phone call from the Freedom from Religion Foundation (see attached). Mr. Schuman carefully explained the ruling by the Supreme Court of the United States. Council was comfortable with the direction of the Law Director and they decided to place the figures back in front of the Fire Department. The City would comply with all of the requirements as articulated by the Supreme Court of the United States.

Mayor Pocek showed Council the letter he had received from Bedford Municipal Court Judge Harry Jacob III who was interested in attending a Council meeting over the winter months. Council decided they would request that Judge Jacob attend the January 22, 2013 Work Session so they could ask him questions. Judge Jacobs then could attend the Regular Council Meeting that evening.

There was discussion regarding the Staffing for Adequate Fire & Emergency Response (SAFER) Grant from FEMA for the Fire Department. The Fire Department received \$360,000 for this grant that would pay for two positions for a two year period at no cost to the City. It was understood that when the grant expired, the hires would be eliminated/laid off. Chief Nagy also mentioned he only hired previously trained people and they would be aware of the circumstances. There was concern regarding the overtime spent in the Fire Department for 2012.

Mayor Pocek pointed out that Walton Hills Mayor Kevin Hurst was present this evening to hear what Representative Barnes had to say about HB 601 since it affected his community too. Mayor Hurst was very

appreciative that Bedford Council allowed him to sit in on the Work Session. Mayor Pocek pointed out many cities had taken a lot of financial hits and it was getting very tough to stay ahead of the game. As a group Council's concerns were as follows: why it was even necessary, it was pointed out the income tax filing process on the City's website was very easy to do, the importance of Home Rule, however, the Tax Form uniformity was a great idea.

Representative Barnes thanked everyone for an invitation to discuss this bill. He was very aware of the City's concerns regarding this bill. He stressed there were 78,000 unfilled jobs in Ohio, it was very important to develop a strategy to bring businesses to Ohio and to keep the young people in Ohio. The loss of population was incredible. One of his strong points was that he took the time to listen to the people and he wanted their feedback. He was very strongly in favor of Home Rule and he understood the importance of it. He understood every community had their own uniqueness and problems. It was the people who drove him to do what he does. He found CPA Gambosi very knowledgeable. He tried briefly to clarify the bill because of time constraints as:

1) Tax Form uniformity meant there were 601 municipalities across the State of Ohio that handled tax filings differently. The complexity of small businesses complying with this kind of task was the reason there was an effort being made to create a tax form for the entire State of Ohio to make filing more constant. There were two different types of collection agencies: a Central Collection Agency and a Regional Income Tax Agency (RITA). It was extremely important not to confuse the two issues being addressed; Tax Form uniformity and the State of Ohio collecting taxes. He was opposed to the idea of the collection of taxes being handled by the State of Ohio. He stated tax collections should be constant with the Home Rule provisions of our constitution that allowed the municipalities to make the rules and collect taxes as they deem appropriately.

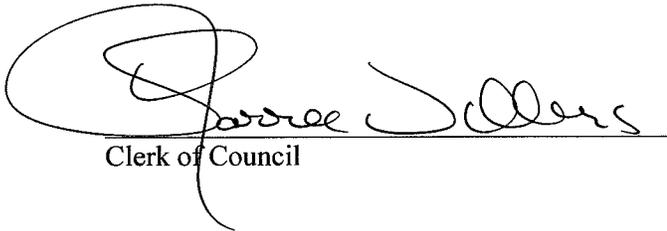
2) Tax Reform was based on the thought to change the business climate in the State of Ohio. One provision that was inconstant with what the City of Bedford would like to do, which he does not support, was to create a situation where it might take away provisions of the Home Rule that most cities across the State of Ohio enjoy. In Bedford there was a "zero" carry forward for the losses in the current year. This meant if there was a profit on certain amounts of net profits those companies would have to pay taxes. Bedford has a unique situation because it had a single very large employer that has enjoyed this provision passed by Council. This large employer would like to continue to have this "zero" carry forward. The proposal of HB 601 has a provision that was constant with the Internal Revenue Code and State law that allowed for a five (5) year carry forward provision. He stressed what was extremely important regarding the tax cuts from the local revenue fund and the inheritance tax was that the State could not budget its own budget on the backs on local governments and local residents who had to have city services. He was opposed to the provision that would take away Home Rule provisions for local governments. He stated he would fight "tooth and nail" as a member to ensure this provision was not in the legislation. He said he has made some waves as a member and there was interest of others to hear his thoughts. He hoped to be working with Mr. Gambosi on a draft possible bill that could be a topic of discussion in 2013. The provision of Home Rule, Article 18 of the Ohio Constitution, was an extremely important provision. It allowed the residents to continue to make decisions that affect their community which he supported 100%. It was extremely important to look at the State of Ohio and the decreased population levels, decreased businesses and the importance to attract businesses so the younger generations would remain in Ohio. Ohio needed a better business climate to attract people, so people invest in our communities and increase the revenues which was a result of business growth. Business creates jobs and Ohio needed to create jobs. Example: a business from Franklin County who distributes their product in Cuyahoga County, there would be an entitlement of withholding tax for the community where the product was being delivered. There would also be an entitlement net profit tax, if a profit was made, but what often happens was some companies move in and then move out and the community wasn't getting its fair share. He stressed everyone needed to pay their fair share and everyone was in compliance with the municipalities across the State. If there were 100 drivers delivering these products and it required 10-15 employees to track

this information to make sure these drivers were in compliance with the 601 municipalities, it would be counterproductive and not efficient. The proposal in Tax Form uniformity and Tax Reform was to develop a methodology so that companies could be in compliance so each city would receive its fair share of allocation of taxes when people come in to do business. It was extremely important to debate this issue to make sure this issue would have a positive impact on Ohio's economic growth in the future. He said this was more or less the essence of the controversial portions of this particular bill. This bill as written died in the 129<sup>th</sup> General Assembly. He fully expected this bill to be brought back in the 130<sup>th</sup> General Assembly. He was willing to discuss this issue in detail so he could take the information back in an effort to do something to help our economy grow.

Mr. Gambosi stated HB 601 was not an easy bill to understand and it was very complex so it was going to take more time to work through it. It was determined Representative Barnes and Mr. Gambosi would be working closely in HB 601 discussions.

There was no need for the executive session as noted on the agenda.

The Work Session adjourned at 7:58 p.m.



Joanne Sellers  
Clerk of Council



Daniel S. Pouch  
Mayor – President of Council

REGULAR MEETING

**BEDFORD CITY COUNCIL  
STATE OF OHIO  
COUNTY OF CUYAHOGA**

DATE: December 17, 2012

AGENDA AMENDED

TIME: 8:00 P.M.

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1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

Moment of Silence for the Sandy Hook Elementary School in Newtown, Connecticut

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**

- a. Approval of Minutes of the Work Session of December 3, 2012
- b. Approval of Minutes of the Regular Meeting of December 3, 2012
- c. Approval of Minutes of the Public Hearing of December 3, 2012

5. **OLD BUSINESS**

- a. Ordinance No. 9019-12 establishing Chapter 555 of the Codified Ordinance entitled "Massage Establishments" (1<sup>st</sup> Rdg 12-3-12)

6. **PRESENTATIONS**

HB 601 – John Barnes

7. **REPORTS**

- a. City Manager
- b. Law Director
- c. Finance Director
- d. Council Reports

8. **NEW BUSINESS**

- a. Ordinance No. 9024-12 amending Ordinance No. 9022-12 Bedford Municipal Court fund entitled "Bedford Municipal Court Legal Resource Fund"
- b. Ordinance No. 9025-12 authorizing the City to certify to the County Auditor costs associated with Police response 172 John Street a nuisance
- c. Ordinance No. 9026-12 authorizing cremation expenses of Edward Kish Sr. (\$950)
- d. Ordinance No. 9027-12 authorizing the City Manager to enter into a lease w/Pitney Bowes for Postage Meter
- e. Ordinance No. 9028-12 authorizing the City Manager to enter into a lease w/Pitney Bowes for Folding Machine
- f. Ordinance No. 9029-12 authorizing the City Manager to enter into an agreement w/Pitney Bowes for Software
- g. Ordinance No. 9030-12 authorizing the City Manager to enter into a contract w/ B-Dry Systems (\$2,800)
- h. Ordinance No. 9031-12 authorizing additional work for the WWTP Equalization Basin Improvements (\$12,487.45)
- i. Ordinance No. 9032-12 amending Ordinance No. 8905-11 making additional appropriations
- j. Motion to accept the December 4, 2012 recommendation of the Planning Commission regarding KIA of Bedford who desires to renovate and add an addition to the existing location
- k. Motion to accept the December 4, 2012 recommendation of the Planning Commission regarding Steve Spinelli who desires to lease space to Kilgore Auto Care located at 932 Broadway Avenue

9. **HEARING OF CITIZENS**

10. **ADJOURNMENT**

**PLEASE TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING**  
**(Council minutes and agenda posted at [www.bedfordoh.gov](http://www.bedfordoh.gov))**

Bedford, Ohio

December 17, 2012

Bedford City Council met in Regular Session at Bedford City Hall on Monday, December 17, 2012. Mayor Pocek called the meeting to order at 8:00 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Absent: Koci.

Mayor Pocek asked for a moment of Silence for the tragedy that took place at the Sandy Hook Elementary School in Newtown, Connecticut.

Motion made by Zolata and seconded by Batten to excuse Councilman Koci from this evening's meeting. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Mizesak to approve the minutes of the Work Session of December 3, 2012. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Batten and seconded by Zolata to approve the minutes of the Regular Meeting of December 3, 2012. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Mizesak to approve the minutes of the Public Hearing of December 3, 2012. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9019-12**, an ordinance establishing Chapter 555 of the Codified Ordinances of the City of Bedford entitled "Massage Establishments" and declaring an emergency placed on first reading on December 3, 2012 was read by title only.

Motion made by Zolata seconded by Mizesak to table Ordinance No. 9019-12.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Mayor Pocek introduced John Barnes, the Democratic Representative for the 12<sup>th</sup> District of the Ohio House of Representatives. Representative Barnes was honored to be in Bedford at this evening's meeting to talk briefly about House Bill 601 (HB 601). He noted this bill was dead in the 129<sup>th</sup> General Assembly but one of his functions was to forward information to the cities to keep them apprised of public policy issues that they thought may have an impact. HB 601 focused on: 1) Tax Form uniformity and 2) Tax Reform.

1) Tax Form uniformity meant there were 601 municipalities across the State of Ohio that handled tax filings differently. The complexity of small businesses complying with this kind of task was the reason there was an effort being made to create a tax form for the entire State of Ohio to make filing more constant. There were two different types of collection agencies: a Central Collection Agency and a Regional Income Tax Agency (RITA). It was extremely important not to confuse the two issues being addressed; Tax Form uniformity and the State of Ohio collecting taxes. He was opposed to the idea of the collection of taxes being handled by the State of Ohio. He stated tax collections should be constant with the Home Rule provisions of our constitution that allowed the municipalities to make the rules and collect taxes as they deem appropriately.

2) Tax Reform was based on the thought to change the business climate in the State of Ohio. One provision that was inconstant with what the City of Bedford would like to do, which he does not support, was to create a situation where it might take away provisions of the Home Rule that most cities across the State of Ohio enjoy. In Bedford, there was a "zero" carry forward for the losses in the current year. This meant if there was a profit on certain amounts of net profits those companies would have to pay taxes. Bedford has a unique situation because it has a single very large employer that has enjoyed this provision passed by Council. This large employer would like to continue to have this "zero" carry forward. The proposal of HB 601 has a provision that was constant with the Internal Revenue Code and State law that allowed for a five (5) year carry forward provision. He stressed what was extremely important regarding the tax cuts from the local revenue fund and the inheritance tax was that the State could not budget it's own budget on the backs of local governments and local residents who had to have city services. He was opposed to the provision that would take away Home Rule provisions for local governments. He stated he would fight "tooth and nail" as a member to ensure this provision was not in the legislation. He said he has made some waves as a member and there was interest of others to hear his thoughts. He hoped to be working with Mr. Gambosi on a draft possible bill that could be a topic of discussion in 2013. The provision of Home Rule, Article 18 of the Ohio Constitution, was an extremely important provision. It allowed the residents to continue to make decisions that affect their community which he supported 100%. It was extremely important to look at the State of Ohio and the decreased population levels, decreased businesses and the importance to attract businesses so the younger generations would remain in Ohio. Ohio needed a better business climate to attract people, so people invested in our communities and increase the revenues which was a result of business growth. Business creates jobs and Ohio needed to create jobs. Example: a business from Franklin County who distributes their product in Cuyahoga County, there would be an entitlement of withholding tax for the community that the product was being delivered. There would also be an entitlement net profit tax if a profit was made but what often happens was some companies move in and then move out and the community wasn't getting its fair share. He stressed everyone needed to pay their fair share and everyone was in compliance with the municipalities across the State. If there were 100 drivers delivering these products and it required 10-15 employees to track this information to make sure these drivers were in compliance with the 601 municipalities, it would be counterproductive and not efficient. The proposal in Tax Form uniformity and Tax Reform was to develop a methodology so that companies could be in compliance so each city would receive its fair share of allocation of taxes when people come in to do business. It was extremely important to debate this issue to make sure this issue would have a positive impact on Ohio's economic growth in the future. He said this was more or less the essence of the controversial portions of this particular bill. This bill as written died in the 129<sup>th</sup> General Assembly. He fully expected this bill to be brought back in the 130<sup>th</sup> General Assembly. He was willing to discuss this issue in detail so he could take the information back in an effort to do something to help our economy grow.

Mayor Pocek opened the floor for comments. A resident wanted to know the difference between the "zero" carryover and the five year carryover. Representative Barnes explained he was very well versed on municipal taxes because he worked as an auditor investigator for 45 municipalities. The carry forward meant, if a company had losses the Internal Revenue Code allowed a business to carry their losses forward for five (5) years so any future net profits allowed the company to off-set their losses. Bedford had a provision in its tax ordinance which allowed a "zero" carry forward. The difference could be \$250,000 - \$300,000 in revenue that would be lost if the company did not have a zero balance at the end of each year. The current House Bill allowed a five (5) year carry forward and not all municipalities operated this way.

[There was a malfunction in the recording system at this point]

Representative Barnes noted the City of Cleveland hasn't experienced many tax increases. Cleveland's tax increase happened in 1980 and the increase was 1 ½% to 2%. He added Home Rule was the reason why most move to an area because of the uniqueness, quaintness and the way the city itself operated.

John Whittaker had an issue with the way income taxes were being paid. He felt a person should pay either where they live or where they work, but not both areas. Representative Barnes explained that when a person worked in a different area from where they lived, that person was still benefiting from that area's city services. That State law stated the taxation was where the work was actually performed. The person passing through an area benefited from the EMS services, police officer assistance, snow removal, road repairs and so on. The structure of the tax system was based on the notion of paying where we worked and then the Home Rule provision spoke to each individual. The problem was if there was a RITA filing and a Central Collection Agency filing which meant there needed to be two (2) forms filled out. This was very overwhelming for certain companies to deal with and it could increase the costs for each municipality because of the additional paperwork. At the end of it all, there needed to be a balance of accountability, responsibility and transparency of each municipality.

He added as each season changes there was a need for different services because of the climate in which we live. The Bill spoke to a registration statewide so every business paid their fair share. Example: when a famous singer came to Cleveland, they performed at their concert and collected their money and left. It was only fair that the souvenir, ticket sales and other items be shared with the city in which the concert was held because here was city staff; police officers, paramedics, utility companies and service employees working these events. Michael Jackson had to pay his fair share when he "worked" elsewhere instead of where he lived.

Council thanked Representative Barnes for his appearance this evening. Representative Barnes thanked Bedford for listening.

No report from City Manager Henry Angelo.

Ken Schuman, Law Director clarified the removal of the Nativity scene last week from the front of the Fire Department and the location of the other Nativity scene located on the Historical Society's property. The Nativity scene located at the Historical Society was on their property which was private property and not on City Square/city owned property. The other Nativity scene that was located in front of the Fire Department was removed, but after discussions this evening, it would be placed back in its original location in front of the Fire Department and the City would comply with all of the requirements as articulated by the Supreme Court of the United States.

No report from Frank Gambosi, Finance Director.

Councilman Saunders announced the closing of St. Peter Chanel High School at the end of the school year. He said it was a shame to see this happen. This institution has provided a great deal of support to Bedford and the students. He hoped the diocese would find a use for the property that would benefit Bedford to some degree.

Councilman Pozar stated the tragic events that have recently taken place in some of America's schools, resulting in the death of innocents were abhorrent and pure evil. Human beings with the least bit of empathy for their fellow man were sickened by these events. Evil was on earth and there was no escaping its occasional emergence. Evil arises in striking contrast to the normal, everyday lives of the vast majority of people. With billions of people on earth, it stands to reason that there were some defective minds, and deranged individuals with violent tendencies. When circumstances were just right, these sick individuals will lash out and destroy others. It sometimes happens and cannot, for the most part, be avoided. Nevertheless, each time it happens there was a media feeding frenzy, and with 24/7 coverage and these events go viral. When everyday good people become enraged by helplessness and anger and disgust, they cry out to do something. We must address the wrong, and take an action. As individuals we feel helpless. The question was who then will do something; and the thought was "the government". The elected officials at all levels, then tap into the emotion of the moment, and create the illusion that a new law, a

ban on certain behavior, or another layer of bureaucracy would fix the problem. Some individuals were too willing to give up personal freedom while in an emotional state. They encourage the elected officials to take an action, without considering the ripple effect, and long range consequences. These actions usually make the problem worse. The anti-gun crowd takes each one of these tragedies and screams out to ban guns, thereby making us less safe. They tap into the emotion of the moment and they want the elected officials to override the Constitution to achieve, what those misguided folks think was the answer. Whenever citizens allow this to happen, we become less safe and our community values were eroded bit by bit. He felt we were losing our pride bit by bit and we were giving up and screaming out for somebody to do something. As we're getting older, some were taking for granted the virtue and hard work that made America great. We celebrate Hollywood, and know little or nothing about History. The few, who would not give up on their values, will join hands in protecting our traditions and they were becoming the minority. We really need to take stock of how we were manipulated by the events surrounding us, and decide to stand up for what was dear to us, no matter what the cost. Under threat, in a much less sensational setting, was our tradition of celebrating our independence, and at the same time, honoring those that gave their lives to earn it.

Councilman Pozar continued that some in Bedford seemed willing to discard the Fourth of July Festivities because of the slightest bit of inconvenience. A very few misguided individuals, having no appreciation of those values, and who could care less about the glue that holds our society together, were perceived as a threat. Tradition, History and Pride make up that glue, and now at the slightest threat of unrest, that tradition was under siege to be terminated. Cost saving was used as an argument to cancel the fireworks event. However, to join thousands of people together, and delight them on that special day, was worth the cost, which was two or three dollars per resident. Our safety forces seem perfectly comfortable with getting the holiday off paid. Not coming to work on a holiday to handle the safety of the event was preferable to them. He thought if they could convince Council that there was an enormous threat, and therefore cancel the event, they would not have to deal with it. Our safety forces work under the direction of the people, through their government, and would follow the instructions they were given. This peace and order challenge was minor compared to what has been witnessed across the country and the significant events that have rocked our society in the last year. To let the potential of a few rowdy youths be the excuse for canceling our tradition, and erode our values further, would in itself be a tragedy. We cannot give into terror, no matter how minor, or from where it comes. Instruct your government to remain strong, and remind them of what made us great. Preserve our values and come to bond with your neighbors on the Fourth of July and in that bond there was hope.

Councilwoman Mizesak thanked Representative Barnes for spending his evening in Bedford. She extended her sympathy to the people that were involved in the tragedy that took place at the Sandy Hook Elementary School in Newtown, Connecticut. She wished everyone a Merry Christmas.

Councilwoman Zolata extended her appreciation to Representative Barnes for defending Bedford's Home Rule. She knew that everyone had appreciated Mr. Gambosi's work throughout the years. She was happy Councilman Koci was on the road to recovery. She, too, understood the concerns regarding the Sandy Hook Elementary School tragedy. On the news, people were referring to "local officials" doing something about things like this. As a local official, she was suggesting that schools submit floor plans for the first responders.

No report from Councilman Batten.

Mayor Pock thanked Representative Barnes for his presentation this evening. He, too, understood the concerns regarding the Sandy Hook tragedy. He did a special recognition to the Community Council members for all their hard work during the events held in Bedford.

Mayor Pocek announced there would be an addition to the agenda this evening which was to add letter "i" to amend Ordinance No. 8905-11 making additional appropriations to the year 2012 as requested by Mr. Gambosi.

Motion made by Batten seconded by Saunders to add letter "i" to the agenda to amend Ordinance No. 8905-11 making additional appropriations to the year 2012.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizsak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9024-12**, an ordinance amending Ordinance No. 9022-12 authorizing the Finance Director to establish and maintain a new fund for the Bedford Municipal Court entitled "Bedford Municipal Court Legal Resource Fund" and declaring an emergency was read by title only.

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

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizsak. Nays: None. Motion carried unanimously.

Mayor Pocek briefly noted this was a one word change from "Research" back to "Resource" as previously amended at the December 3, 2012 meeting.

Motion made by Batten seconded by Zolata to place Ordinance No. 9024-12 on third and final reading and passed.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizsak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9025-12**, an ordinance authorizing the City of Bedford to certify to the County Fiscal Officer the costs associated with police response to 172 John Street as said homeowner is in violation of Bedford's Criminal Nuisance ordinance and declaring an emergency was read by title only.

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

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Batten to place Ordinance No. 9025-12 on third and final reading and passed.

Mr. Schuman noted this was repeat offender and the City would continue to be aggressive with the landlord and the tenants.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizsak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9026-12**, an ordinance authorizing the City of Bedford to pay for the cremation expense of Edward Kish, Sr. and declaring an emergency was read by title only.

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

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Batten to place Ordinance No. 9026-12 on third and final reading and passed.

Mr. Schuman explained the hospital and the City made sure this resident was indigent before the cremation could move forward. Mrs. Zolata thanked St. John Funeral Home for their much needed assistance and understanding for this service.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9027-12**, an ordinance authorizing the City Manager to enter into an operating lease of one Connect+ 2000 Series WOW Postage Meter from Pitney Bowes and declaring an emergency was read by title only.

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

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizesak to place Ordinance No. 9027-12 on third and final reading and passed.

Mr. Gambosi spoke on the next three ordinances regarding the postage machine, folding machine and software. He explained the current machines leases were up and it was time to replace the machines with more current machines to help in saving costs and office efficiency.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9028-12**, an ordinance authorizing an operating lease of one DI425 FastPac Folding Machine from Pitney Bowes and declaring an emergency was read by title only.

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

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Batten seconded by Zolata to place Ordinance No. 9028-12 on third and final reading and passed.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9029-12**, an ordinance authorizing the City Manager to enter into an agreement for SmartMailer 7 Series Mail Management Software from Pitney Bowes and declaring an emergency was read by title only.

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

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Pozar to place Ordinance No. 9029-12 on third and final reading and passed.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9030-12**, an ordinance authorizing the City Manager to enter into a contract with All Structures, Inc. dba B-Dry System – Cleveland and declaring an emergency was read by title only.

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

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizesak to place Ordinance No. 9030-12 on third and final reading and passed.

Mr. Schuman explained the elevator shaft needed some repairs so it could pass inspection.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9031-12**, an ordinance authorizing additional work for the Bedford WWTP Equalization Basin Improvements and declaring an emergency was read by title only.

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

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Batten seconded by Zolata to place Ordinance No. 9031-12 on third and final reading and passed.

Mr. Schuman explained the City's Engineer and the contractor indicated the additional work would be for 38 flap valves. The estimated cost was approximately \$24,992 with remaining monies of \$12,513 leaving a shortage of \$12,478.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9032-12**, an ordinance amending Ordinance No. 8905-11 making additional appropriations for the current expenditures of the City of Bedford, Ohio during the year 2012 and declaring an emergency was read by title only.

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

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizsak to place Ordinance No. 9032-12 on third and final reading and passed.

Mr. Gambosi explained this ordinance would allow him to close the books for 2012. He explained the changes were as follows: Planning Commission costs of \$250, previous employee OPERS cost \$5,561.43, advances out to CDBG \$160,000 for Automile and NSP Home costs until reimbursements from the county, transfers out to health insurance was to cover costs of claims, transfers out to Fire Medic were for overtime and dispatch costs of \$80,000 and Fund #214 Fire Medic overtime and dispatch cost need of \$80,000 increase in appropriations. Plus Fund #217 HUD House Rehab the increases/decreases were for the following reasons: decrease \$220,000 because the homes would not be sold this year so the funds would be moved back to General Fund and lastly Fund #600 Health Insurance: the claims for 2012 were over \$900,000 and he needed appropriations to cover the costs. Mr. Pozar asked what the amount was for the homes. Mr. Gambosi replied, \$220,000 for the homes.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Batten to accept the December 4, 2012 recommendation of the Planning Commission regarding KIA of Bedford who desires to renovate and add an addition to the existing location.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Mizsak to accept the December 4, 2012 recommendation of the Planning Commission regarding Steve Spinelli who desires to lease space to Kilgore Auto Care located at 932 Broadway Avenue. Mr. Pozar informed the City Manager that there were approximately 15 street lights that were not functioning in this area. He requested an inventory be done regarding the lights in the City.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizsak. Nays: None. Motion carried unanimously.

Mayor Pocek added Councilman Koci requested in his absence that the Mayor extend his wishes of a Merry Christmas and a Happy New Year to everyone.

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

Sarah McGuinnis, 99 Willard Avenue, had concerns about the cars that were allowed to park in the street 24/7. She suggested/requested a 2 hour parking on City streets in certain areas of the City. She questioned why the police officers hadn't been replaced when an opening was available. Mr. Schuman told her that

her information was inaccurate. Mr. Angelo stated there was one additional officer on the force, which was more than what the 2009 levels indicated. She felt some of the officers might be over worked. She also asked the if monthly sirens could be louder and longer so it can be heard better. The City Manager would check into the siren concern.

Stephen Emmert, 83 Williams Street, felt the loss of religious contentious and the separation of the church as state myth have contributed toward the demise of America's Christian heritage. The ACLU had used a lot of smoke and mirrors to intimidate public officials into removing nativity scenes from city owned property. He thought many public leaders cowered to these threats without considering if the ACLU was correct. He thanked the Administration and Council for not allowing this to happen in Bedford. He wished everyone a Merry Christmas and to enjoy the birth of our Lord and Savior Jesus Christ.

Joyce Howard, 402 Union Street, was not pleased with the location or the actions of the Animal Warden as they euthanized animals in the City cemetery. After discussing this with Deputy Chief Nietert she decided to bring this issue before the City Manager/Council because she was not happy with his response. She had concerns as to why this action was being conducted at the cemetery if it was not allowed at the Krick Road location per the EPA. She found this action disgusting and she had concerns as to how a family member might have to explain what was happening to a child if they were visiting the cemetery with their family. She stressed this was secreted ground. Mr. Angelo clarified the animals were being euthanized properly per EPA standards and he would look into the situation. He agreed with her concerns. Ms. Howard alluded to the fact that the City was not disposing of the animals properly because of the several "channels" she had gone through before she attended this evening's meeting. Mr. Schuman asked for the information so he could look into it. Ms. Howard would not give any information. Mr. Angelo reiterated that he would investigate the situation and her points were well taken.

Ralph King, 107 Woodrow Avenue, was very upset over the weekend about the nativity scene being removed from City property. He applauded the Administration and Council for moving the nativity scene back to the Fire Department location and there were several residents that stood behind their decision.

Phillip Williams, 150 Best Street, applauded everyone for bring Christ back into Christmas and Bedford showed these organizations it couldn't be done in Bedford.

Kathy Williams, 491 Lamson Avenue, thanked everyone for putting back the nativity scene and for standing up to her Christian beliefs and taking a stand for what was right for our country.

Mr. Schuman clarified there were certain rules that had been articulated by the Supreme Court of the United States and the City was going to adhere to the rules. He made it clear that nobody kowtowed to the ACLU or any other organization. The nativity scene would be placed on City property in compliance of what the Supreme Court dictates on this issue.

John Whittaker, 126 Noran Circle, donated \$200 of his "mad money" to South Haven to help feed the needy. He wished everyone a Merry Christmas.

Valerie Emmert, 83 Williams Street, thanked Council for their work well done for the residents. She wore a pin this evening in celebration of what she believed. The pin had the Ohio State flag on it and it stated "With God all things are possible" which was Ohio's State Motto and was on the State House. She told some history of a lawsuit of Montgomery – verses – the ACLU regarding the wording.

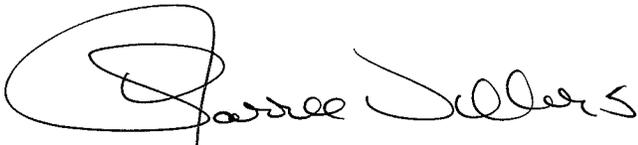
Chris Sweet, 97 Thames Avenue, did not grow up in Bedford but chose to move here. She was proud of City Council, proud of the community and she loved them and she would recommend Council and the City of Bedford to anybody that wished to relocate.

Jim O'Neil, 155 Gould Avenue, was not happy with the amount of litter that was lying all over the City. Mr. Schuman suggested the Teen Court Program could be more active in picking up litter. He also pointed out the poor timing on the light located at Southwick Drive and Broadway Avenue. Mr. Angelo and Mayor Pocek both agreed this light needed to be looked at.

Casmore Davis, 544 Turney Road, asked why she was paying a water bill since she was not living in the location. Mr. Gambosi explained the cost was for the privilege of having water available at the street and for future repairs. It was a basic fee for the having the water available.

Mayor Pocek asked if there were any further comments. There being no reply, motion made by Batten and seconded by Zolata to adjourn. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Motion carried unanimously.

Meeting adjourned at 9:26 P.M.



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Clerk of Council



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Mayor – President of Council