

COUNCIL WORK SESSION
MONDAY, DECEMBER 7, 2015

6:30 P.M. PROMPT

- **DISCUSSION OF AGENDA**

- **DISCUSSION OF BOARD OF ZONING NEW APPOINTMENT**

- **DISCUSSION OF PARKING ON CITY STREETS** (Saunders)

- **DISCUSSION OF HEMISPHERE CRA** (Gambosi)

- **DISCUSSION OF COUNCIL EXPENDITURES** (Pozar 11/2/15 – 11/16/15)

- **EXECUTIVE SESSION** – (Personnel/Economic Development/Litigation)

Bedford, Ohio

December 7, 2015

Bedford City Council met in a work session at Bedford City Hall on Monday, December 7, 2015 at 6:30 p.m.

Present: Council Members: Mayor Stan Koci, Sandy Spinks, Walter Genutis, Marilyn Zolata, Paula Mizensak, Don Saunders. Administration: City Manager Michael Mallis, Finance Director Frank Gambosi, Law Director John Montello, Clerk of Council Pro-Tem Michelle Hollo. Also Present: City Engineer Joe Ciuni, Police Chief Kris Nietert, Superintendent Shawn Francis. Absent: Councilman Greg Pozar.

Mayor Koci began discussion of the Regular Council Meeting agenda. Mayor Koci rearranged the agenda to accommodate the department representatives in attendance this evening.

Ordinance No. 9335-15 is a contract with GPD Group for engineering services. City Engineer Joe Ciuni was present to answer questions. This contract contains increases in the billable hourly rates for the various disciplines of the GPD Group staff. When Mr. Ciuni is assigned a project, he forwards a proposal to the City using the schedule of hourly rates of various tasks involved with projects. Construction inspection hours are part of construction contracts that are bid. Any projects currently being worked on by GPD will be billed at current rates. The new rates would only affect future engineering projects that would come up next year.

A concern was raised that with the budget deficit, residents do not want to see raises. It was explained that Joe Ciuni's salary was not being raised. The increases are for the rates for the various services offered by the company, GPD Group, and these are important services to the City of Bedford. When GPD Group performs a service, the City of Bedford is billed. Pending waste water projects will be billed at the 2014 rates. Two projects scheduled for next year will be billed at the 2016 rates. Mr. Gambosi knows his projections and assured he would keep an eye on costs. Council will place this ordinance on second reading.

Ordinance Nos. 9343-15, 9344-15 and 9345-15 are amendments to current sections or newly enacted sections of Bedford Codified Ordinances relating to hunting. The Police Department is requesting to implement a deer culling program and changes to the ordinances are required to allow this. Discussion regarding this legislation was held at the work session of November 16, 2015. Chief Nietert was present to answer questions.

There was an inquiry if the deer culling program would occur on private property. Chief Nietert replied that the objective is to start out on a small scale to get the program up and running. A possible goal is 30 deer over the next three years. Chief Nietert stated he would start culling only on city properties such as the Waste Water Treatment Plant and the cemetery. Possibly the property on Solon Road, but the City leases it. The City would have to get permission from the lessee. Chief Nietert explained the program could not occur on private property because the yards in Bedford are not large enough. The requirement is five acres and there is only one yard in Bedford this size. City Hall and Ellenwood together would be five acres. Another possibility could be nine acres of vacant land that is owned by the same person, but the property owner would have to give his permission to be on his property.

The intent of the program is to eliminate deer to decrease the deer/car accidents. In the last two years, there have been around 200 deer/car accidents which is an enormous increase compared to previous years. Most of these accidents are occurring on Turney Road and Center Road.

Discussion held regarding the deer meat. The Police Department does currently have a list of people to contact when there is an accident who will take deer. The local processing center also takes deer during the normal hunting season for free. After hunting season, which is around February 2-6, it is no longer free. The processing center donates the meat to feed the hungry.

Many west side communities are also implementing deer culling programs. In the near future, Chief Nietert will present Council with all the specifics of the program including schematics, samples of signage, and location of barricades. There was concern that Council would need to see the plan before passage of the legislation. Council will place these three ordinances on first reading.

Ordinance No. 9350-15 is a contract with Terrace Construction for an emergency repair of the sanitary sewer on East Monroe. Superintendent Shawn Frances was present to explain the situation. The sanitary sewer at 34 East Monroe was blocked. The resident did not have a clean-out, so the resident contacted a plumber to have one installed. The plumber could not unblock the sewer. The City's sewer crew snaked the sewer and it was determined it was blocked in the middle of the street. Our crews jetted the main but could not open it up. A five foot sink hole was found when we opened up the road. The sewer is 24 foot deep and we do not have the proper equipment or shoring to dig this deep so Toaz Construction was contacted. This job was also too large for Toaz Construction. At this point quotes were obtained from three contractors with Terrace Construction being the lowest. Mr. Francis recommended awarding the contract to Terrace Construction as the emergency repairs were starting the next day. After the City makes these repairs, the City will assist the resident by putting a camera in his line to determine if there are any issues on his side.

Council had no changes to the minutes of the Work Session of November 16, 2015, the Regular Meeting of November 16, 2015 and the Budget Work Session of November 23, 2015.

Richard Rykalla will be sworn in as a police officer this evening. Mr. Mallis reported two others received conditional offers of employment. After passing the physical, they would start the police academy next month.

Mayor Koci stated that Dot Schwende would be in attendance to accept the Christmas in Bedford Falls proclamation.

Ordinance No. 9337-15 amends the previous ordinance regarding water and sewer rate reduction for senior citizens. This ordinance was discussed at a previous work session and was on first reading November 16, 2015. Mr. Gambosi reminded Council it is regarding reporting interest and dividends as income. Council will place this ordinance on second reading.

Ordinance No. 9340-15 is an ordinance authorizing the purchase of 34 Union. This ordinance was on first reading November 16, 2015. Mr. Mallis is requesting this be passed tonight.

Ordinance No. 9342-15 is the 2016 appropriation budget ordinance. This ordinance was on first reading November 16, 2015. All council budget hearings have been held and Mr. Gambosi will be making no further changes to the budget and asked it be passed tonight.

Ordinance No. 9346-15 authorizes payment of \$3,000.00 to the Cleveland Ballet for moving expenses. Mr. Mallis stated this fee is part of the incentive package offered to Cleveland Ballet. Since he could not offer a tax abatement, these funds will be utilized for signage and any necessary equipment or pertinent repairs that would need to be made.

Ordinance No. 9347-15 is an agreement with Cuyahoga County entitled Business Retention and Attraction Protocol. Mr. Mallis stated this agreement is a new version of the anti-poaching agreement signed with previous County Executive Ed Fitzgerald. The new County Administration is asking we enter into it. The anti-poaching agreement means the City is not going to go out and pursue businesses in other cities. If Bedford is approached by a company, we would agree to contact the other city to advise them of the contact. Mr. Mallis named two situations this had happened. In both cases, Mr. Mallis contacted the other Mayor.

Ordinance No. 9348-15 is a contract to purchase an Excel Hustler Super Z mower for the Recreation Department. This equipment will be purchased from Baker Vehicle Systems for \$13,963.87 through State bid process contract #800237. This mower is larger in size to the one they have. A trade-in value was obtained for the old equipment, but instead of trading it in it will be transferred to the Service Department to be used at the cemetery. The Service Department is coming up with the funds versus the trade-in. Mr. Gambosi further explained that all vendors in the state have to honor the state contract price for this particular mower. Mr. Gambosi also analyzed other type of mowers and agrees this is the better mower for our needs.

Ordinance No. 9349-15 is an operating lease with Pitney Bowes for a new postage meter for the Court. Mr. Gambosi explained that you cannot own a postage meter and there are only two vendors in this area for a postage meter lease. Although the lease would be higher than the Court is currently paying, they are benefitting with a new mandatory mail bar code processing system. The Court will save \$1.40 per each certified mail.

The Planning Commission met on November 17, 2015. The first item is a motion to approve a 12' X 29' storage addition at 380 Solon Road, Unit 10. Mr. Mallis explained the storage unit would be at the rear of the property and would not be seen from the street. It is to store equipment and tools for the business. Planning Commission approved the addition.

The second item is a motion to approve the applicant's request to exceed the 30 percent allowable for the maximum permitted square footage to construct a 1,882 square foot two story dwelling with an attached two car garage. Mr. Mallis explained the 30 percent the applicant is requesting is only 154 square feet more. Planning Commission approved based on the recommendation that Mr. Friedl contact the City Engineer regarding the flood plain and submit a topography drawing to the Building Commissioner prior to obtaining the building permit.

Discussion held about a concern regarding whether or not the riparian offset was met. Mr. Mallis explained that before a building permit is issued, Mr. Ciuni will be reviewing the plans because of the flood plain and would address any issues regarding any riparian setbacks. When Mr. Friedl appeared before the Board of Zoning Appeals, they required him to move the house forward. Mayor Koci reminded Council the motion to be voted on this evening concerns approving only the additional 154 square feet for the house.

Discussion of the Regular Meeting agenda was concluded.

Discussion of Board of Zoning New Appointment

Discussion held that the resumes on file are dated. It was decided the word would need to get out there are openings and to obtain recent resumes.

Discussion of Parking on City Streets (Saunders)

Councilman Saunders is aware that the Administration is against prohibiting parking on city streets, but suggested two conditions to prohibit as a compromise. First, commercial vehicles not be allowed to park on any city street unless they are making a delivery and second, no parking across from any apron. Mr. Saunders believes these two suggestions would solve the majority of the parking problems.

Contrary to some comments made, Mr. Mallis stated that our officers do enforce parking violations. They are out patrolling in the neighborhoods. If there is any individual issues in neighborhoods, a specific person that is blatantly violating parking laws, our police will address it. As for Mr. Saunders suggestions, Mr. Mallis agrees that prohibiting commercial vehicles from parking on city streets could be done. As for no parking in front of any apron, that would be hard to do. Further, any seasonal prohibition would be extremely hard to enforce. Mr. Mallis prefers to enforce the continual abusers instead of prohibiting parking and affecting everyone on a street. Due to time constraints, Mayor Koci stated a separate meeting would be needed to discuss this issue.

Discussion of Hemisphere CRA (Gambosi)

This agenda item was moved to Executive Session for discussion.

Discussion of Council Expenditures (Pozar 11/2/15 – 11/16/15)

This agenda item was not discussed due to the absence of Councilman Pozar.

Motion made by Genutis and seconded by Saunders to go into an executive session to discuss personnel, economic development and litigation. Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizsak. Nays: None. Motion carried unanimously.

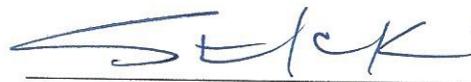
At 7:50 p.m., Bedford City Council, City Manager Mallis, Finance Director Gambosi and Law Director Montello went into an executive session to discuss personnel, economic development and litigation.

Executive session adjourned at 8:02 p.m.

Work Session adjourned at 8:02 p.m.



Clerk of Council Pro-Tem



Mayor – President of Council

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1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE**
 3. **ROLL CALL**
 4. **APPROVAL OF MINUTES**
 - a. Approval of Minutes of the Work Session of November 16, 2015
 - b. Approval of Minutes of the Regular Meeting of November 16, 2015
 - c. Approval of Minutes of the Budget Work Session of November 23, 2015
 5. **PRESENTATIONS**
 - a. Swearing-in Richard Rykalla as Patrolman
 - b. Christmas in Bedford Falls
 6. **OLD BUSINESS** (1st Rdgs 11/16/15)
 - a. Ordinance No. 9335-15 amend Ord. #9232-15 contract w/GPD Group for Engineering services
 - b. Ordinance No. 9337-15 amend §911.03 water/sewer rate reduction for senior citizens & disabled
 - c. Ordinance No. 9340-15 purchase of property at 34 Union Street (\$170,000/P.P. 814-01-010)
 - d. Ordinance No. 9342-15 City of Bedford 2016 Appropriation Budget (2nd Rdg: 12/7/15)
 7. **REPORTS**
 - a. City Manager
 - b. Law Director
 - c. Finance Director
 - d. Council Reports
 8. **NEW BUSINESS**
 - a. Ordinance No. 9343-15 amending §505.20 (a)(b) "Hunting Prohibited" & Enacting §505.201 "Special Permits for Culling Deer" (1st Rdg 12/7/15)
 - b. Ordinance No. 9344-15 enacting §505.26 "Interference with Taking Wildlife" (1st Rdg 12/7/15)
 - c. Ordinance No. 9345-15 amending §549.09 (a) (b) "Throwing or Shooting Projectiles" (1st Rdg 12/7/15)
 - d. Ordinance No. 9346-15 authorize payment for moving expenses for Cleveland Ballet (\$3000.00)
 - e. Ordinance No. 9347-15 agreement with Cuyahoga County entitled Business Retention and Attraction Protocol
 - f. Ordinance No. 9348-15 contract w/Baker Vehicle Systems for Recreation Department mower (\$13,963.87)
 - g. Ordinance No. 9349-15 operating lease w/Pitney Bowes for SendSuite Live postage meter for the Court
 - h. Ordinance No. 9350-15 contract w/Terrace Construction for emergency sanitary sewer repair (\$12,664.13)
 - i. Motion to accept the Planning Commission recommendation of November 17, 2015 for Aleks Rybak, 380 Solon Road, Unit 10 who is seeking to construct a 12' x 29' storage addition
 - j. Motion to accept the Planning Commission recommendation of November 17, 2015 for Jake Friedl, 445 Lamson Avenue who is requesting permission to exceed the 30% allowable for the maximum permitted square footage to construct a 1,882 square foot two story dwelling with an attached two car garage
 9. **HEARING OF CITIZENS**
 10. **ADJOURNMENT**

PLEASE TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING
(Council minutes and Agendas posted at www.bedfordoh.gov)

Bedford, Ohio

December 7, 2015

Bedford City Council met in regular session at Bedford City Hall on Monday, December 7, 2015. Mayor Koci called the meeting to order at 8:05 P.M. The meeting was opened by pledging allegiance to the flag.

Motion made by Zolata and seconded by Genutis to appoint Michelle Hollo as Acting Clerk of Council. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

The roll was called. Present: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Absent: Pozar.

Motion made by Mizesak and seconded by Saunders to excuse the absence of Councilman Pozar. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Spinks and seconded by Zolata to approve the minutes of the Work Session of November 16, 2015. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Genutis to approve the minutes of the Regular Meeting of November 16, 2015. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Genutis and seconded by Spinks to approve the minutes of the Budget Work Session of November 23, 2015. The roll was called. Vote – Yeas: Genutis, Zolata, Spinks, Koci, Mizesak. Nays: None. Abstain: Saunders. Motion carried.

Richard Rykalla was sworn-in as Patrolman by Mayor Koci.

Chief Nietert stated his thanks for the opportunity to fill the vacancy and congratulated and wished Patrolman Rykalla a long and productive career. Patrolman Rykalla introduced his family.

Mayor Koci presented a proclamation declaring Bedford as Christmas in Bedford Falls on Saturday, December 12, 2015 to Dot Schwende, Co-Chair of the Christmas in Bedford Falls Committee. The proclamation was read in its entirety. Ms. Schwende acknowledged and thanked the members of the committee.

Beth HousiauxSteward announced she is representing Lights Out for Hunger. This is the fifth year of this campaign. On Wednesday, December 16th turn off the holiday lights for the evening. The cost of electricity that is saved is then donated to Lights Out for Hunger. One hundred percent of the donations are split 50/50 to Messiah International Food Bank and South Haven Food Bank. Downtown Bedford holiday lights will be turned off that evening. Bedford Heights, Walton Hills and Oakwood are also participating. Donations are sent to the First Baptist Church, 445 Turney Road, Bedford. The event is sponsored by the Southeast Clergy Council which is 36 area churches.

Seventh graders and Hawthorne Valley Youth Council program members, Kayla Goczko and Jamika Jackson, reported to Council they are learning about writing bills. Also present was their advisor, Yvonne Sudberry.

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 placed on first reading November 16, 2015 was read by title only.

Motion made by Saunders and seconded by Mizensak to place Ordinance No. 9335-15 on second reading.

The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizensak. 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 placed on first reading November 16, 2015 was read by title only.

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

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

ORDINANCE NO. 9340-15, an ordinance authorizing the purchase of the property located at 34 Union Street (P.P. No. 814-01-010) and declaring an emergency placed on first reading November 16, 2015 was read by title only. Motion made by Saunders and seconded by Mizensak to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizensak. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Genutis to place Ordinance No. 9340-15 on third and final reading and passed.

Mr. Mallis explained this is for the purchase of the property known as the Moonglow Tavern. The City was approached by the owner who indicated the desire to sell the property. As laid out in the State of the City presentation, it is Council’s and the Administration’s desire to develop the property leading up Taylor over on Willis. The City has acquired almost ten acres up the street that abuts this property. The City also owns the property across the street at the corner of Union and Broadway. This property is a piece of the puzzle as the City continues to work with the law firm contracted with to prepare a request for proposals. It is an ideal location, connects everything with what the City is trying to do. The price agreed upon by the parties falls in line with the value of the property.

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

ORDINANCE NO. 9342-15, an ordinance to make appropriations for current expenses and expenditures for the City of Bedford, Ohio during the year 2016 and declaring an emergency placed on first reading November 16, 2015 was read by title only. Motion made by Spinks and seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizensak. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Mizensak to place Ordinance No. 9342-15 on third and final reading and passed.

Mr. Gambosi explained that the annual appropriation budget has to be approved by January 1st. The City of Bedford is passing a \$36 million budget which \$15 million is the general fund that is substantially lower than other years. The appropriation budget needs to be submitted to the County Fiscal Officer.

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

City Manager Mallis congratulated Patrolman Rykalla on his appointment, acknowledged the Service Department employees who worked on the square, and the members of the Cleveland Ballet. The Tree Lighting Ceremony was a successful event. A lot of hard work goes into this event and the employees do an outstanding job. Mr. Mallis also recognized the hard work of the Christmas in Bedford Falls committee members.

When it starts snowing, we must maintain our walks. We must follow the rules of not parking on the streets during the snow ban. This makes things difficult for your neighbors, the snow plows, and emergency vehicles. The City is going to be hard on enforcement this year. Residents who feel the need to continuously park on the street and park overnight will be ticketed. It is important to keep the walks clear. When the walks are not clear, pedestrians are in the roadway and that becomes a safety issue. The Recreation Department is compiling a list of private contractors who will try to assist and provide a reduced rate for seniors. The City is going to get the word out early about the expectations.

Recent infrastructure repairs include a significant repair the County did on Egbert Road and Cleveland Water did a waterline repair on Rockside Road. This repair was needed to provide adequate water pressure to the businesses in that area. The repairs to the Columbus Road Bridge have been taking place on the underside. The actual repair to the decking will take place in the spring. We will coordinate with the schools as to the best timing. He also stated to be cognizant of crews in the roadways repairing the water breaks especially during the winter months when it gets dark earlier.

The City was in discussions over the last couple of months with the pharmaceutical company, Xellia. They had reached out to us as far as acquiring a substantial portion of the West-Ward property. West-Ward is going to have a presence in Bedford. The large research and development center in the rear of the property is going to be their hub. West-Ward is still committed to being here. The manufacturing facilities, North, South, Phase IV and Phase V, all four of these buildings have been acquired by Xellia, a worldwide pharmaceutical company. Short term they are only committed to less than 200 employees. This does not include the employees already there from West-Ward. This is starting over. Xellia has had conversations with the FDA and they are committed to bringing manufacturing back. The City does not expect the numbers to drastically go up or expect them to start producing soon. We know it is going to take time, but they are committed to bringing manufacturing back. West-Ward and Xellia are going to be hiring and we will slowly get the numbers up. Mayor Koci stated that Mr. Mallis and Mr. Gambosi did a tremendous job helping to bring Xellia here. It was also a collaboration with the County and State.

Mr. Montello congratulated Patrolman Rykalla, thanked those involved with Christmas in Bedford Falls, Hawthorne Valley Youth Council and Lights Out for Hunger.

Mr. Gambosi stated that Mayor Koci and Mr. Montello were also part of the team effort regarding Xellia. Xellia is a promising and good addition to Bedford. There are new tax laws in regards to rental properties and landlords in 2016. There will be a requirement and penalties associated to it. Apartment complexes will be required to report tenant changes every month to the Tax Department. Landlords of houses will be required to do a filing once a year in December. Mr. Gambosi highly recommends paying estimates. The City does not penalize if you choose not to pay the estimates. Bedford is one of the few in the state that waives these penalties for not paying estimates.

Councilman Genutis congratulated all the people here tonight taking part in the community and making Bedford a good place to be, especially the young people learning about City Council and city government.

There are three ordinances on the agenda for the purpose of establishing a deer culling program. Mr. Genutis is not 100 percent sure what it is, but there was some clarification in the work session with the Police Chief. As a vegetable gardener, he is well aware of the deer eating habits. Also, he had a car accident with a deer that cost a large sum of money.

After studying other culling programs in other communities, Mr. Genutis is inclined to vote against these measures for the following reasons. First, the deer culling is self-defeating and self-perpetuating. After killing a significant number of deer, they speed up their reproduction and as a result rebound to even higher numbers than before. This is what has happened in Solon where they have been killing the deer for over ten years, very aggressively. They stopped for a couple of years because of the costs, but resumed again after the Police Department reported an increase in car/deer accidents. They have killed literally thousands of deer and the herd has remained stable at about 800 or 900. While Solon has seen decreases in car/deer accidents, they kill hundreds of deer per year.

Secondly, there is a significant cost involved. The City of Solon has spent nearly a \$1 million thus far. In 2013 they spent \$112,000 plus overtime for police. In 2012, they spent \$132,000 plus \$41,500 in police overtime. There is a question of the ethics of such an effort even though killing the deer seems intuitive that there would be less of them. But there are biological and nature controls. There is also a cost involved. The Police Chief said his plan presently is at a much smaller scope than Solon.

These municipal programs ignore the root cause for the high deer population. That is the scientific, biological manipulation of Ohio's herd by the Ohio Department of Natural Resources for the purpose of hunting. It has nothing to do with the loss of habitat as people presume. In 1970, the Ohio deer herd was about 17,000. Today, it is approximately 700,000 deer in Ohio. The State Division of Wildlife takes full credit as hunting licenses increase, the deer herd has increased accordingly. That is how they pay themselves. Mr. Genutis is inclined to vote against this program as long as the Department of Natural Resources intends to keep the deer population at optimal levels.

Mr. Genutis knows that people are angry about deer damaging landscaping. This particular program is basically teaching killing is an answer to conflict which is a danger and could have a chilling effect on our children. To abate the potential for alarm in our citizenry, he asked the Mayor and/or the City Manager to make a public statement that the intended culling program will not be allowed on private land without express permission from the landowners and that our ordinances clearly state that. As the deer have been cited for damaging property, Mr. Genutis asks that Council be open to changing existing fencing ordinances for us to protect our food gardens.

Councilman Saunders announced that today the Red Cross was at Ellenwood for blood donations. He encouraged donating blood, especially during the holiday season when donations are down. Mr. Saunders reminded the audience today is the 74th anniversary of Pearl Harbor. There are very few survivors from that day still alive. His son joined the Navy this year and will be swearing-in Mr. Saunders on January 4th.

Mr. Saunders thanked the Administration for their work on the old Ben Venue site. It is good to see a company there that is willing to start manufacturing again. It is better to have someone in there that can build on manufacturing rather than seeing the buildings remaining empty. Hopefully, they will build up in the next decade to where Ben Venue was before they closed. Also, hopefully will progress and move forward so the City's future generation will have a budget they can maintain instead of deficit spending, as in this year and the next several years, and also build up the reserve fund.

Councilwoman Zolata commented on Pearl Harbor Day, Christmas in Bedford Falls, the Tree Lighting, the Cleveland Ballet, Lights Out for Hunger, and congratulated the new patrolman. She commented on the Service Department's hard work picking up all the leaves, putting up the decorations throughout the city, taking care of the lights, getting ready for the Tree Lighting and everything they do with a shorter staff. She is very appreciative of their efforts.

She referenced the article on the front page in the water bill written by Mr. Mallis in which he states that City officials place high expectations on ourselves and expect those same expectations in return from our residents. For those of you who have proudly called Bedford home, you understand this and for those of you just beginning to call Bedford home, please take a moment to understand what makes this town so special.

Regarding snow on sidewalks and shoveling, most seniors can pay to have their driveway done but the sidewalks are a different story. Unless there is someone in the home that can do the sidewalks, they are at a loss. If you have a neighbor who can use your help, be generous.

Councilwoman Spinks congratulated the new patrolman, thanked the Service Department and those involved in the Tree Lighting, thanked the Cleveland Ballet, and mentioned Christmas in Bedford Falls this weekend.

Wal-Mart has finished paving the parking lot. She is working with State Representative John Barnes trying to get RTA to move the bus pick-up in front of Wal-Mart instead of on Rockside Road. There have been issues with shopping carts and trash left on Rockside. She is hoping to get good response from RTA now that the parking lot paving is done.

Mrs. Spinks is trying to get a Greencroft neighborhood meeting together after the first of the year/holidays. She would like a big turnout like the last meeting she held. She has not received recent complaints of break-ins.

Councilwoman Mizsak congratulated the new patrolman. She asked Ms. Schwende if the Salvation Army kettle would be at Christmas in Bedford Falls. Ms. Schwende replied the Salvation Army is welcomed if the person in charge would set them up. Councilman Saunders stated that the Salvation Army would not be participating due to few donations in past years.

Mrs. Mizsak inquired on the last day for leaf pick-up. Mr. Mallis replied there is still one crew that is out, but he would inquire. She also commented on the Cleveland Ballet at the Tree Lighting.

Mayor Koci welcomed Pastor Thomas in the audience. The City has some openings coming up for some of the Boards. If anyone is interested in serving on a Board, please submit a resume. There are some resumes on hand, but several are outdated. It is a very noble cause, and the Boards help the City and Council do their jobs. Mayor Koci acknowledged Board members in the audience.

ORDINANCE NO. 9343-15, an ordinance amending Section 505.20(a)(b) entitled "Hunting Prohibited" and enacting Section 505.201 entitled "Special Permits for Culling Deer" of the General Offense Code of the Bedford Codified Ordinances and declaring an emergency was read by title only.

Motion made by Saunders and seconded by Mizsak to place Ordinance No. 9343-15 on first reading.

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

ORDINANCE NO. 9344-15, an ordinance enacting Section 505.26 entitled "Interference with Taking Wildlife" of the Bedford Codified Ordinances and declaring an emergency was read by title only.

Motion made by Spinks and seconded by Zolata to place Ordinance No. 9344-15 on first reading.

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

ORDINANCE NO. 9345-15, an ordinance amending Section 549.09(a)(b) entitled "Throwing or Shooting Projectiles" of the Bedford Codified Ordinances and declaring an emergency was read by title only.

Motion made by Saunders and seconded by Mizesak to place Ordinance No. 9345-15 on first reading.

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

ORDINANCE NO. 9346-15, an ordinance allowing the City Manager to pay Three Thousand Dollars (\$3,000.00) to Cleveland Ballet and declaring an emergency was read by title only. Motion made by Mizesak and seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Spinks to place Ordinance No. 9346-15 on third and final reading and passed.

Mr. Mallis stated this fee is part of the incentive package offered to Cleveland Ballet. These funds will be utilized for signage and any necessary equipment or pertinent repairs that would need to be made to their additional location in the downtown.

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

ORDINANCE NO. 9347-15, an ordinance authorizing the City Manager to execute an agreement with Cuyahoga County entitled Business Retention and Attraction Protocol and declaring an emergency was read by title only. Motion made by Spinks and seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Mizesak to place Ordinance No. 9347-15 on third and final reading and passed.

Mr. Mallis stated this agreement is an updated version of the agreement the City entered into with the County along with all the other communities in Cuyahoga County at the beginning of Ed Fitzgerald's administration. It is an anti-poaching agreement which means the City is not going to go out and entice businesses in other communities to come here. It does lay out specifics as to if the City is approached there is a protocol to go by and notify communities, which the City has always done and followed these steps.

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

ORDINANCE NO. 9348-15, an ordinance authorizing the City Manager to enter into a contract to purchase with Baker Vehicle Systems and declaring an emergency was read by title only. Motion made by Saunders and seconded by Mizesak to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Spinks and seconded by Zolata to place Ordinance No. 9348-15 on third and final reading and passed.

Mr. Mallis stated this is for the purchase of a new 60 inch lawn mower for the Recreation Department who are tasked with maintaining acres of property. This piece of equipment is larger in size to the one they have. A trade-in value was obtained for the old equipment, but surprisingly it is newer than a very outdated piece of equipment at the cemetery. The Service Department is coming up with the funds in lieu of the trade-in and will use the older mower at the cemetery. The funds are budgeted for in the 2015 budget.

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

ORDINANCE NO. 9349-15, an ordinance ratifying the Clerk of Court's execution of an operating lease of one SendSuite Live postage meter from Pitney Bowes and declaring an emergency was read by title only. Motion made by Zolata and seconded by Spinks to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Saunders to place Ordinance No. 9349-15 on third and final reading and passed.

Mr. Gambosi explained this is an operating lease that the Court has entered into with Pitney Bowes. It is an improvement on replacing their existing lease. They have been able to take advantage of the intelligent mail bar code processing system that has to go into effect. It will be able to save \$1.40 per each certified mail which is one of the Court's major costs mandated by the State so it does have substantial savings for the Court.

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

ORDINANCE NO. 9350-15, an ordinance authorizing and directing the City Manager to enter into a contract with Terrace Construction Company, Inc. for the emergency sanitary sewer repair at 34 East Monroe and declaring an emergency was read by title only. Motion made by Saunders and seconded by Mizesak to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Genutis to place Ordinance No. 9350-15 on third and final reading and passed.

Mr. Mallis explained this contract reflects a repair that is needed on East Monroe. Prior to Thanksgiving, the City received a call regarding a blocked sewer. It was identified that the blockage in the sanitary sewer was in the middle of the street. We knew that this sewer was substantially deep and made an initial dig to try to alleviate some of the blockage, but were unsuccessful. We do not have the equipment to dig

down this deep. We contacted a local contractor who we work with on projects of this nature and he was not able to handle this job which is why we needed to obtain three quotes. It is an emergency repair, we do not have the proper equipment to dig, in addition to not having the safety equipment. Safety must come first and we do not have the shoring to go down 24 plus feet and put our workers in there. The street is closed right now.

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

Motion made by Genutis and seconded by Zolata to accept the Planning Commission recommendation of November 17, 2015 for Aleks Rybak, 380 Solon Road, Unit 10 who is seeking to construct a 12' X 29' storage addition subject to approval by the City's Engineering, Building and Fire Departments.

Mr. Mallis stated this is a storage unit coming off the rear of the property. It cannot be seen from the roadway. It is to store equipment for the business and operation in the building. Planning Commission approved this unanimously.

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

Motion made by Genutis and seconded by Zolata to accept the Planning Commission recommendation of November 17, 2015 for Jake Friedl, 445 Lamson Avenue who is requesting permission to exceed the 30% allowable for the maximum permitted square footage to construct a 1,882 square foot two story dwelling with an attached two car garage subject to approval by the City's Engineering, Building and Fire Departments as well as any compliance with any riparian requirements.

Mr. Mallis said the 30 percent the applicant is requesting is only 154 square feet more. Planning Commission unanimously approved based on the recommendation that Mr. Friedl contact the City Engineer to discuss setbacks prior to obtaining the building permit.

Councilman Saunders said he would be voting no on this motion. He does not believe there was enough information that the riparian offset was met. Yes it has to meet the riparian offset, but because of it Mr. Saunders cannot approve the additional square footage of a house because he feels the house itself may actually be in the riparian.

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

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

Jeanne Sapir, Southeast Library, 70 Columbus Road, spoke about the winter programs being offered at the library from December through February.

Arlene Orlando, 98 Talbot, had comments regarding deer culling. She inquired if deer culling is in the budget. Mayor Koci replied it is in next year's budget. Ms. Orlando inquired if anyone investigated contraception for deer such as PZP or GonaCon as opposed to sharpshooters. They are using the vaccine at \$22 per deer in Virginia and in Maryland which was approved by the USDA. It has reduced the population by 30 to 40 percent. She inquired if deer and car collisions are up in Bedford and the other cities and where are the five-year studies showing numbers of collisions. She stated that deer populations balance themselves. She asked if anyone knew what compensatory rebound effect is.

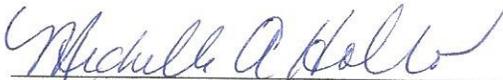
When there is a large culling or natural causes to a herd the remaining deer have more food and are healthier and have more fawns. On hunted lands they have twins at 38 percent and on non-hunted lands only 14 percent. With Ben Venue gone, garbage bills are up and do we want taxes going to culling deer. If hunting works then why has the Metroparks done it every year instead of their original promise of only one year. She asked if there would be a public meeting to discuss the deer issue. Mayor Koci stated this is why the ordinances will be on three readings.

Kathy Williams, 491 Lamson, said that Lally Chevrolet is moving and inquired about the building. Mr. Mallis replied he cannot identify any specifics but did state there is interest from multiple parties regarding that property. There is a time when the City can get involved to offer any type of appropriate incentive. The City does not get involved in individual negotiations of a deal, sale or lease. It is the City's intention to attract an additional car dealership. Lally Chevrolet is expected to move in spring 2016.

Mrs. Williams also inquired about the manger in front of the Fire Department. Mr. Mallis replied it is scheduled to be put up tomorrow.

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

Meeting adjourned at 9:22 P.M.



Clerk of Council Pro-Tem



Mayor – President of Council