

COUNCIL WORK SESSION

MONDAY, MARCH 21, 2016

6:30 P.M. PROMPT

- **DISCUSSION OF AGENDA**
- **EXECUTIVE SESSION** – (Personnel - employment / Economic Development – Meadowbrook Market Square Auction)

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

Bedford City Council met in a Work Session at Bedford City Hall on Monday, March 21, 2016 at 6:35 p.m.

Present: Council Members: Mayor Stan Koci, Paula Mizsak, Sandy Spinks, Walter Genutis, Marilyn Zolata, Greg Pozar, Don Saunders. Absent: None. Administration: City Manager Michael Mallis, Finance Director Frank Gambosi, Law Director John Montello, Clerk of Council Lorree Villers.

Mayor Koci began discussion of the Regular Council Meeting agenda.

Council had no changes to the minutes of the Work Session and the Regular Meeting of March 7, 2016

ORDINANCE NO. 9361-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COMMUNITY COLLEGE DISTRICT ("CCC") FOR USE OF THE BEDFORD CITY JAIL FACILITIES ("JAIL") PLACED ON FIRST READING FEBRUARY 16, 2016 AND SECOND READING ON MARCH 7, 2016 AND DECLARING AN EMERGENCY

Mr. Mallis explained this was similar to the recent UH contract and the City expected maybe 4-8 people annually. Mr. Saunders asked about the medical insurance costs/coverage while these people were being detained. It was explained the claims would be processed like any other claim; their insurance first then the City's. If the person needed medical assistance an ambulance would need to be called and the City had liability insurance coverage. Council had no concerns.

ORDINANCE NO. 9365-16 AN ORDINANCE AMENDING ORDINANCE NO. 8830-11 "MUNICIPAL SWIMMING POOL" SECTION 1103.01 ENTITLED "FEES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD PLACED ON FIRST READING ON MARCH 7, 2016 AND DECLARING AN EMERGENCY

It was determined that fees associated with usage of the Bedford Municipal Pool needed to be adjusted to better recover the real costs of pool operations. Council agreed the fees needed to be increased and opted for a second reading this evening.

ORDINANCE NO. 9366-16 AN ORDINANCE ENACTING SECTION 1105.04 ENTITLED "RECREATION PROGRAM REGISTRATION FEES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD PLACED ON FIRST READING ON MARCH 7, 2016 AND DECLARING AN EMERGENCY

Mr. Mallis determined that fees associated with Bedford Recreation Program Registration need to be adjusted to better recover the real costs of the programs for residents and non-residents. It was determined with the proposed fee increases the fees were lower than most communities and some of the fees hadn't been increased since the 1990's. Council considered to pass this ordinance this evening to generate needed funds. The costs for these programs outweighed what the applicants were actually paying. Discussion was held that Ralph King had made some calls to a couple Council members voicing his opinion about the increases. Mr. Mallis said he had recently talked to Mr. King and he didn't mention having any problems with the fee increase. Mr. Gambosi pointed out the collected fees were approximately \$115,000 to \$145,000 annually and the Recreation Department expenses were \$1.2 million so the increased fees didn't even come close to covering the expenses. It was determined these fees hadn't been increased for several years and with the closing of Ben Venue the City's budget was suffering. It was also determined the increased cost for playground/summer camp was a bargain at \$500; it was eight (8) weeks of basically daycare averaging \$12.50 per day, free lunches and programs. At a daily rate of \$12.50 it was less expensive than a parent paying for daycare at approximately \$350 per week [averaging \$43.75 per day]. Mr. Mallis said the fees needed to be increased; this topic had been discussed for years at the annual budget hearings and weekly staff meetings. He added the Administration would be reviewing all the Departments City's fee and they would be adjusted accordingly.

There were no issues with re-appointing Gina Pieragostine to the Arts & Cultural Board.

ORDINANCE NO. 9368-16 AN ORDINANCE AMENDING CHAPTER 1339 OF THE CODIFIED ORDINANCES ENACTING NEW SECTION 1339.021 ENTITLED "PROHIBITING CORPORATIONS FROM PURCHASING, OWNING, SELLING, OR TRANSFERRING REAL PROPERTY WITHOUT FIRST REGISTERING WITH THE OHIO SECRETARY OF STATE DESIGNATING AN AGENT IN CHARGE" AND DECLARING AN EMERGENCY

Mr. Mallis and Mr. Montello explained there were numerous foreign and domestic corporations that were not registered with the Ohio Secretary of State that purchase, own, sell and transfer real property. The Secretary of the State of Ohio required the registration of these foreign and domestic corporations to file their articles of incorporation and identify a statutory agent. The City had numerous properties owned by these corporations and finding the proper entity for service to enforce the Building and Housing codes of the City was both difficult and time consuming, and often impossible, when these corporations were not registered with the State. Council desired to require that all foreign and domestic corporations be registered with the Ohio Secretary of State that purchase, own, sell and transfer real property in the City and prove such registration before obtaining any Certificate of Occupancy or any such other permit required for the property. Council was in favor of passing this legislation this evening so this problem could be addressed.

ORDINANCE NO. 9369-16 AN ORDINANCE ENACTING CHAPTER 1315, UNDER TITLE FIVE, OTHER REGULATIONS, OF THE CODIFIED ORDINANCES ENTITLED "REGISTRATION OF FORECLOSED, FORFEITED, OR VACANT PROPERTIES" IN THE CITY OF BEDFORD AND DECLARING AN EMERGENCY

Mr. Mallis and Mr. Montello explained the City in the wake of the foreclosure crisis, desires to mandate the registration of foreclosed, forfeited or vacant properties to ensure that the properties were maintained by the banks, lenders and/or owners. Council was in favor of passing this legislation this evening so this problem could be addressed.

ORDINANCE NO. 9370-16 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AC LAWCARE & LANDSCAPING BEING THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER, AND DECLARING AN EMERGENCY

Mr. Mallis explained advertising for bids for treelawn and lot maintenance through the bidding process. This company would also address the shrubbery trimming if there was a need for pruning. Mr. Bellar suggested the bid be awarded to AC Lawncare & Landscaping who was the lowest, responsive and responsible bidder and passed this evening prior to the grass cutting season.

ORDINANCE NO. 9371-16 AN ORDINANCE AMENDING ORDINANCE NO. 8933-12 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EXTENSION OF THE LEASE WITH OPTION TO PURCHASE AGREEMENT WITH MRLM, LLC FOR THE PROPERTY LOCATED AT 600 SOLON ROAD BEDFORD, OHIO (PP NO. 814-30-003) AND DECLARING AN EMERGENCY

Mr. Mallis explained the City continued to attempt to sell the property at 600 Solon Road for the past ten (10) years. MRLM, LLC has offered to enter into a Lease with option to Purchase Agreement with the City for this property to operate a landscape material business and agreed on all terms regarding the property with the exception that the parties need to extend the lease and option for an additional 6 (six) months during their busy season. Council was in favor of the extension.

ORDINANCE NO. 9372-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH SANDRA DICKEY SELLING THE RESIDENCE AT 775 LINCOLN AVENUE, BEDFORD, OHIO AND DECLARING AN EMERGENCY

Mr. Mallis explained the City purchased the residence at 775 Lincoln Avenue (P.P. 813-18-011) as part of the Neighborhood Stabilization Program (NSP). The City received an offer to purchase the property and

the offer of \$89,900.00 was acceptable. This was the last City owned home to be sold. Council was pleased with the offer.

Discussion of the Regular Meeting agenda was concluded.

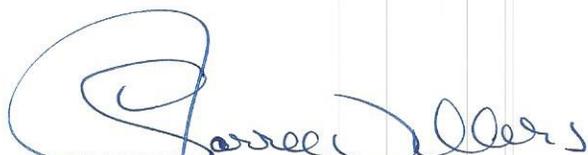
Motion made by Spinks and seconded by Genutis to go into an executive session to discuss Personnel pertaining to employment / Economic Development – Meadowbrook Market Square Auction. Vote – Yeas: Spinks, Koci, Mizensak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

At 7:19 p.m., Bedford City Council, City Manager Mallis, Finance Director Gambosi and Law Director Montello went into an executive session to discuss Personnel pertaining to employment / Economic Development – Meadowbrook Market Square Auction.

Executive session adjourned at 7:56 p.m.

Motion by Spinks and seconded by Genutis to adjourn work session. Vote – Yeas: Spinks, Koci, Mizensak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Work Session adjourned at 7:58 p.m.



Clerk of Council



Mayor

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**
 - a. Approval of Minutes of the Work Session of March 7, 2016
 - b. Approval of Minutes of the Regular Meeting of March 7, 2016

5. **PRESENTATIONS** – Joyce Daunch

6. **OLD BUSINESS**
 - a. Ordinance No. 9361-16 contract w/Cuyahoga Community College District (1st Rdg 2/16/16 - 2nd 3/7/16)
 - b. Ordinance No. 9365-16 amend Ord. No. 8830-11, §1103.01 Municipal Swimming Pool Fees (1st Rdg 3/7/16)
 - c. Ordinance No. 9366-16 enacts §1105.04 Recreation Program Registration Fees/Playground (1st Rdg 3/7/16)

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

8. **NEW BUSINESS**
 - a. Motion to re-appoint Gina Pieragostine to the Arts & Cultural Board (4 year term) (roll call)
 - b. Ordinance No. 9368-16 enacting §1339.021 Purchase, Own, Sell or Transfer of Real Property
 - c. Ordinance No. 9369-16 enacting §1315, Title Five, Other Regulations, Registration of Foreclosed, Forfeited or Vacant Properties
 - d. Ordinance No. 9370-16 contract w/AC Lawncare & Landscaping for Treelawn and Lot Maintenance
 - e. Ordinance No. 9371-16 amend Ord. No. 8933-12, Lease Agreement w/MRLM, LLC for 600 Solon Road
 - f. Ordinance No. 9372-16 purchase agreement w/Sandra Dickey for 775 Lincoln (\$89,900)

9. **HEARING OF CITIZENS**

10. **ADJOURNMENT**

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Bedford, Ohio

March 21, 2016

Bedford City Council met in Regular Session at Bedford City Hall on Monday, March 21, 2016. Mayor Koci called the meeting to order at 8:04 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Spinks, Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Absent: None.

Motion made by Zolata and seconded by Spinks to approve the minutes of the Work Session Meeting of March 7, 2016. The roll was called. Vote – Yeas: Spinks, Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Saunders to approve the minutes of the Regular Meeting of March 7, 2016. The roll was called. Vote – Yeas: Spinks, Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Ms. Joyce Daunch presented a check for \$1,500 for the flower boxes to beautify the Union Street Bridge. Ms. Daunch said the Bedford Garden Club would maintain/financially support the flower boxes with soil and flowers. She thanked all those involved in making this project happen.

ORDINANCE NO. 9361-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COMMUNITY COLLEGE DISTRICT (“CCC”) FOR USE OF THE BEDFORD CITY JAIL FACILITIES (“JAIL”) PLACED ON FIRST READING FEBRUARY 16, 2016 AND SECOND READING ON MARCH 7, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Zolata to place Ordinance No. **9361-16** on third and final reading and passed.

Mr. Mallis explained this was a contract with Cuyahoga County to allow the Cuyahoga Community College District to utilize the Bedford jail facilities. Cuyahoga Community College could house their prisoners at Bedford’s jail on an as needed basis which was figured to be 4-8 prisoners annually.

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

ORDINANCE NO. 9365-16 AN ORDINANCE AMENDING ORDINANCE NO. 8830-11 “MUNICIPAL SWIMMING POOL” SECTION 1103.01 ENTITLED “FEES” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD PLACED ON FIRST READING ON MARCH 7, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Mr. Mallis determined that fees associated with usage of the Bedford Municipal Pool needed to be adjusted to better recover the real costs of pool operations.

Motion made by Zolata seconded by Genutis to place Ordinance No. **9365-16** on second reading.

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

ORDINANCE NO. 9366-16 AN ORDINANCE ENACTING SECTION 1105.04 ENTITLED "RECREATION PROGRAM REGISTRATION FEES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD PLACED ON FIRST READING ON MARCH 7, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Zolata to place Ordinance No. **9366-16** on second reading.

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

Council and the Administration thanked Ms. Daunch and the Bedford Garden Club for their generous donation of \$1,500. The announcement was made that the Wards 3 & 5 meeting would be April 11, 2016, the Ellenwood Recreation Easter Egg Hunt was March 26, 2016 at 10:00 a.m. and wishes were extended for everyone to have a Happy Easter.

City Manager Michael Mallis informed everyone the annual tornado siren drill would be March 23, 2016 at 9:50 a.m. Mr. Saunders requested the sirens time be adjusted/synchronized and Mayor Koci mentioned the recent Code Red message was missing the date at the beginning recording.

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

Councilwoman Spinks announced the Bedford Garden Club plant sale was May 6th and 7th, 2016. She displayed a plant that deterred deer and urged others to plant them. She thought the beautification of the Union Street Bridge would contribute to the recent purchase of the old Moonglow property.

Councilwoman Mizensak urged the residents to avoid blowing their grass clippings into the street this season. She said Council had not received the Administration's report pertaining to the recent deer culling.

Councilman Genutis pointed out the Bedford Garden Club had been in existence for almost 90 years. Being a resident of Bedford for his whole life he had watched the interest of gardening diminish over the years. He explained Cuyahoga County was the leader in gardening. The City of Cleveland's joint effort with Ohio State University was supporting 196 community gardens. Cleveland had 3,700 gardeners, 50 acres of dedicated garden space donating 17,000 lbs. of organic produce in 2015. He explained Ms. Daunch had obtained a grant in order to build unique raised beds for the elderly along with joint efforts of the Bedford Garden Club. He urged everyone to also purchase their seeds and plants from the upcoming Bedford Garden Club plant sale.

Councilman Saunders mentioned he recently had 16 deer in his backyard and some of the abutting cities recently passed bow hunting for deer culling on their recent ballots so Bedford was not the only city experiencing problems with deer population.

Councilwoman Zolata talked about the City's previous sidewalk program. She urged the residents to combine their sidewalk repairs/replacement(s) for a discount before they called Sirna Construction; discounts were being given for multiple projects and the deadline was June 15, 2016.

Mayor Koci explained he would be discussing with the Administration some of the interesting information he learned at the recent NLC seminar regarding the Maker Movement and the US Economic Development Administration in hopes to bring companies/businesses into Bedford.

Motion made by Saunders seconded by Mizensak to appoint Gina Pieragostine to the Arts & Cultural Board. The roll was called. Vote – Yeas: Spinks, Koci, Mizensak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9368-16 AN ORDINANCE AMENDING CHAPTER 1339 OF THE CODIFIED ORDINANCES ENACTING NEW SECTION 1339.021 ENTITLED "PROHIBITING CORPORATIONS FROM PURCHASING, OWNING, SELLING, OR TRANSFERRING REAL PROPERTY WITHOUT FIRST REGISTERING WITH THE OHIO SECRETARY OF STATE DESIGNATING AN AGENT IN CHARGE" AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Mizensak to place Ordinance No. **9368-16** on third and final reading and passed.

Mr. Mallis explained this would assist the Building Department/City in tracking properties utilizing a local agent.

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

ORDINANCE NO. 9369-16 AN ORDINANCE ENACTING CHAPTER 1315, UNDER TITLE FIVE, OTHER REGULATIONS, OF THE CODIFIED ORDINANCES ENTITLED "REGISTRATION OF FORECLOSED, FORFEITED, OR VACANT PROPERTIES" IN THE CITY OF BEDFORD 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 three different days.

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

Motion made by Spinks seconded by Zolata to place Ordinance No. **9369-16** on third and final reading and passed.

Mr. Mallis explained this was in conjunction with Ordinance No. 9368-16 for foreclosed, forfeited or vacant properties. The banks and institutions would now have to register with the City.

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

ORDINANCE NO. 9370-16 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AC LAWN CARE & LANDSCAPING BEING THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER, AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Zolata to place Ordinance No. 9370-16 on third and final reading and passed.

Mr. Mallis explained this was a two (2) year contract for grass cutting on an as needed basis for City owned properties and for those who violated the codes and did not maintain their lawns/properties.

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

ORDINANCE NO. 9371-16 AN ORDINANCE AMENDING ORDINANCE NO. 8933-12 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EXTENSION OF THE LEASE WITH OPTION TO PURCHASE AGREEMENT WITH MRLM, LLC FOR THE PROPERTY LOCATED AT 600 SOLON ROAD BEDFORD, OHIO (PP NO. 814-30-003) AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Mizesak seconded by Pozar to place Ordinance No. 9371-16 on third and final reading and passed.

Mr. Mallis explained this request was for an extension of their lease agreement because this was their busy time of the season. They would be constructing a new building after the purchase of the property and would be staying in Bedford.

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

ORDINANCE NO. 9372-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH SANDRA DICKEY SELLING THE RESIDENCE AT 775 LINCOLN AVENUE, BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Pozar to place Ordinance No. 9372-16 on third and final reading and passed.

Mr. Mallis explained this was the last City owned NSP home to be sold; the City got the requested asking price. Home sales were increasing in the City.

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

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

Dave Ward, 306 West Glendale Avenue, was not in favor of the recreation fee increase and he wanted to know why they were being increased. He said the recent utility bill and the Recreation Department website did not have the same amounts. He felt the City was trying to “push something through that the residents weren’t seeing”. Mayor Koci stated the fees did not come even close to covering the costs. Mr. Mallis and Mr. Gambosi explained the costs for these programs outweighed what the applicants were actually paying. He pointed out the collected fees were approximately \$115,000 to \$135,000 annually and the Recreation Department expenses were \$1.2 million so the increased fees didn’t even come close to covering the expenses. Mr. Ward questioned what amount was going to be charged when the parent showed up at Ellenwood. Mr. Mallis and Mayor Koci explained the parents would be charged whatever the fee was when they came to pay. He explained the City did a survey of the surrounding community’s fees and these fees hadn’t been increased for several years. Mr. Mallis explained this specific topic had been discussed for years at the City’s annual budget hearings, all three (3) Ward meetings and at weekly staff meetings. He stated the City was not trying to hide this information from the residents as it had been public discussions for years.

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

Meeting adjourned at 8:49 P.M.


Clerk of Council


Mayor