

**COUNCIL WORK SESSION  
MONDAY, JUNE 1, 2015  
6:30 P.M. PROMPT**

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- **DISCUSSION OF AGENDA**
- **DISCUSSION OF SAFETY SERVICES AND UH BEDFORD MEDICAL CENTER**
- **DISCUSSION OF JAIL SERVICES**
- **EXECUTIVE SESSION** – (Economic Development, Personnel, Litigation)

**PLEASE TURN OFF ALL CELL PHONES BEFORE WORK SESSION**

**(Council minutes and Agendas posted at [www.bedfordoh.gov](http://www.bedfordoh.gov))**

Bedford, Ohio

June 1, 2015

Bedford City Council met in a Work Session at Bedford City Hall on Monday, June 1, 2015 at 6:34 p.m.

Present: Council Members: Mayor Stan Koci, Paula Mizsak, Marilyn Zolata, Walter Genutis [joined at 6:36 p.m.], Don Saunders, Greg Pozar [joined at 6:54 p.m.], Sandy Spinks. Absent: None. Administration: City Manager Michael Mallis, Law Director John Montello, Clerk of Council Lorree Villers. Also Present: Jeanne King, 267 Bexley Drive.

Mayor Koci began discussion of the Regular Council Meeting agenda.

Council did not have any issues with the minutes of the Work Session and Regular meetings of May 18, 2015.

Ordinance No. 9270-15 amended Chapter 915.02 "Garbage and Refuse".

This was the second reading of this Ordinance this evening in order to allow resident/audience participation. *Clarification purposes: The Codified needed to be amended so any expense or cost incurred by the City for collecting and disposing of garbage/refuse collection, recycling and disposal would be paid by the owner of the building or premises. This includes any unpaid fees for garbage/refuse collection, recycling and disposal removal as outlined in Section 915.02. These expenses/costs incurred by the City would be recovered by an action at law or assessed against the lands of the owner, shall become a lien thereon and shall be collected in the manner provided by law for assessments. The Finance Director shall establish by July 1st of each year, an estimate of the next year's solid waste collection costs and projected fees. The fees shall be determined as follows: 1) Estimating the next year's expected solid waste collection costs, 2) Estimating the year-end balance in Fund #221, and 3) the Estimated "Required Resources" would be the sum of next year's expected costs; plus the repayment of any expected advances during the current year; less the expected year fund balance; the sum shall be increased by the delinquency percentage experienced in the current year's first half collection of the refuse assessments by the County Auditor and any indirect cost or allocations incurred by any department by providing services. 4) As of July 1st of the current year, the Finance Director would determine and identify the number of parcels having a one-family, two-family or three-family dwellings listed on the County Auditor's records and assessed as \$14.00 for a single family dwelling, \$28.00 for a two family dwelling and \$42.00 for a three family dwelling. Mr. Montello noted this assessment would be handled the same as the street lighting assessments. Vacant homes, delinquencies and the container cost were built into the monthly fee. It was determined there were 250 double and triple units in Bedford and the four unit dwellings had to contract with a private hauler. Another focus was to make recycling easier so the rubbish tonnage would decrease which would also be a cost savings. It was determined with the previous State budget cuts and the loss of Ben Venue it was unfortunately time to assess for rubbish collection.*

Mrs. Mizsak reported she received a call from a resident that didn't hear the specifics of the rubbish discussed at the Ward meeting she attended. Mr. Mallis explained the rubbish along with other "City services" was mentioned at all the Ward meetings but at that particular time the Administration and Council did not have all the specifics/particulars for the rubbish. The Administration was in the process of collecting information. In general, the Ward meetings were brief overviews of the previous year and the focus of moving forward on items to importance and what to expect. He assured Mrs. Mizsak this issue was mentioned along with the financial situation of decreased monies the City currently was dealing with in regards of the closing of Ben Venue. Rubbish was considered/addressed as a "City service" provided to the residents which was mentioned at the Ward meetings. Council was aware "City services": rubbish, sewer, chipper, leaves, waterline issues due to budget concerns were being reevaluated and prioritized accordingly because of the costs and limited manpower. [March 16, 2015 Work Session – "Economical times had changed, things were more expensive, the City was dealing with State budget cuts, the closing of Ben Venue and Bedford needed to focus on running lean, prioritize projects and focus on the big picture".]

Ordinance No. 9271-15 levied assessments for Garbage and Refuse for 1, 2, 3 family dwellings. This was the second reading of this Ordinance this evening in order to allow resident/audience participation. Clarification purposes: *The Ohio Revised Code Sections and soon to be revised Chapter 915 of the Codified Ordinances permit the assessment for the collection and disposal of garbage/refuse collection, recycling and disposal. Codified Chapter 915 would provide the Finance Director to establish an estimate of the next year's solid waste collection costs and projected fees for the purpose of establishing the applicable rates for the following year to be charged by the City of garbage/refuse collection, recycling and disposal. This basically allowed the Finance Director to set the rates.*

Motion to accept the May 19, 2015 Planning Commission recommendation of Drive Time who was seeking to display used motor vehicles located at 19900 Rockside Road.

Mr. Mallis and Mr. Montello explained Drive Time was previously before the Planning Commission and Council regarding the sliver/pie shape of Bedford property that was to be used to display used vehicles. The oddity about this project was it covered Bedford and Maple Heights property. Both Cities were working jointly on the project taking into consideration the impact on both communities. It was determined the former donut shop and ham company driveways would remain the same for simplicity sake. Council had no issues with the project.

Motion to accept the May 19, 2015 Planning Commission recommendation of Lamont Robinson who was seeking to open an upscale Barber Shop & Spa located at 717 Broadway Avenue.

Mr. Mallis explained Mr. Robinson wanted to open an upscale Barber Shop & Spa in the Historical Downtown District. It was agreed by six (6) Council members the City wanted to focus on different types store fronts such as retail, music and art stores in this specific area. Mr. Genutis did not have an issue with the request. Mr. Mallis told Mr. Robinson the evening of the Planning Commission meeting that the Administration and Council for years had been trying to determine a plan to revitalize the downtown area with shops so it would become a future destination.

Motion to accept the May 19, 2015 Planning Commission recommendation of Curt Harris who was seeking to open an auto Detail Shop with no used car sales located at 22900 Rockside Road.

Mr. Mallis explained Mr. Harris currently had a detail shop and was seeking to relocate in hopes of additional business. It was determined Mr. Harris knew and agreed that he would not be selling used cars at this location. Council had no issues with the relocation.

Ordinance No. 9273-15 adopted the 2015 replacement pages of the Codified Ordinances in the amount of \$1,693.79.

Normally the Council Clerk updated its Codified Book once a year but it was determined it needed to be done more often to keep the Codified book and website information current.

Ordinance No. 9274-15 authorized the City Manager to enter into an agreement with Simplex-IT. The City Hall upgrade with a new server, additional memory, and new battery backup and installing is a total of \$15,710.00 including shipping and handling through Dell. The Police Department upgrade with the new server, new battery backup, new port switch and installation is a total of \$13,370.00 including shipping and handling through Dell. There were two (2) quotes submitted and Simplex-IT provided an acceptable quote for this project and installation. Mr. Mallis explained there was a lot of work approximately 60-80 hours that needed to be done for the new servers. Since the purchase of the last server the Police and Building Departments seemed to be taking more photos which used space. It was determined the new servers had room for expansion. The Administration wanted to make sure there was adequate space for the near future; however, "cloud storage" would be discussed the next time there was a need for space. Mr. Pozar questioned the relationship/business contract/responsibilities between DeVore Technologies and Simplex, IT. Mr. Mallis offered to speak with Mr. Pozar at a later date. Mayor Koci suggested this be read as a first reading.

**DISCUSSION OF SAFETY SERVICES AND UH BEDFORD MEDICAL CENTER**

Mr. Mallis explained this issue was in the early stages of discussion so he did not have all the particulars but wanted to touch base with Council. He explained UH had hired/employed Police Officers at a couple of their other locations and was requesting to do the same in Bedford. This would relieve additional responsibilities/strain for the Bedford Officers if UH employed their own Officers which Chief Nietert did not have a problem with. Since the discussions were in early stages, Mr. Mallis wasn't able to answer Council questions and concerns but he would keep them informed as he learned the facts.

**DISCUSSION OF JAIL SERVICES**

The Administration had been in discussions with Oakwood Village and the City of Bedford Heights regarding the housing of their inmates at the Bedford Municipal Jail. Mr. Mallis explained the City of Bedford was not going to do it for free, there would be a benefit to the City in this joint effort and it would probably only be for one (1) year. It cost about \$120 per day per inmate which included all the overhead. The City of Bedford was willing to help out and partner with its neighbors but Bedford's Jail could not assist other neighboring communities. He reminded Council who appreciated the donation from Oakwood Village who recently donated a very nice used fully equipped K-9 vehicle for upcoming K-9. The Administration was working on a straight forward monthly fee regardless of the number of inmates. The monthly cost of one inmate was the same monthly cost if there were ten. It was determined if the jail was full, Bedford's inmates would take priority and the other inmates would have to seek housing elsewhere. Mr. Montello explained some of the inmates would be released on a Personal Bond and not need housing. Mr. Mallis would keep Council informed.

**Motion to appoint Yvonne Sudberry to the Board of Building Standards & Appeals (5 yr term).**

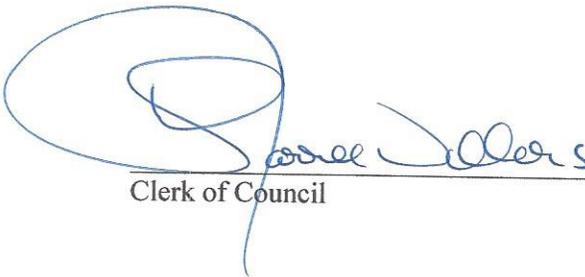
This was a five (5) year term and her term would expire in 2020. Council previously discussed the vacancy at several Work Sessions. (Ref: 11/3/14, 11/17/14, 12/1/14, 12/15/14, 2/2/15, 4/6/15 and 5/4/15)

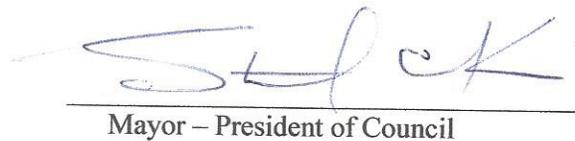
Discussion of the Regular Meeting agenda was concluded.

At 7:49 p.m., Bedford City Council, City Manager Mike Mallis and Law Director John Montello went into an executive session to discuss Economic Development, Personnel and Litigation.

Executive session adjourned at 7:57 p.m.

Work Session adjourned at 7:59 p.m.

  
Clerk of Council

  
Mayor – President of Council

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
  - a. Approval of Minutes of the Work Session of May 18, 2015
  - b. Approval of Minutes of the Regular Meeting of May 18, 2015
5. **PRESENTATIONS** (None)
6. **OLD BUSINESS** (1<sup>st</sup> Reading 5/18/15)
  - a. Ordinance No. 9270-15 amending Chapter 915.02 "Garbage and Refuse"
  - b. Ordinance No. 9271-15 levying assessments for Garbage/Refuse/Recycling for 1, 2, 3 family dwellings
7. **REPORTS**
  - a. City Manager
  - b. Law Director
  - c. Finance Director
  - d. Council Reports
8. **NEW BUSINESS**
  - a. Motion to accept the May 19, 2015 Planning Commission recommendation of Drive Time who is seeking to display used motor vehicles located at 19900 Rockside Road
  - b. Motion to accept the May 19, 2015 Planning Commission recommendation of Lamont Robinson who is seeking to open an upscale Barber Shop & Spa located at 717 Broadway Avenue
  - c. Motion to accept the May 19, 2015 Planning Commission recommendation of Curt Harris who is seeking to open an auto Detail Shop with no used car sales located at 22900 Rockside Road
  - d. Ordinance No. 9273-15 adopt the 2015 replacement pages of the Codified Ordinances (\$1,693.79)
  - e. Ordinance No. 9274-15 agreement with Simplex IT for two servers (\$29,080)
  - f. Motion to appoint Yvonne Sudberry to the Board of Building Standards & Appeals (5 yr term)
9. **HEARING OF CITIZENS**
10. **ADJOURNMENT**

Bedford City Council met in Regular Session at Bedford City Hall on Monday, June 1, 2015. Mayor Koci called the meeting to order at 8:03 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Zolata, Spinks, Koci, Mizesak, Genutis, Pozar, Saunders. Absent: None.

Motion made by Zolata and seconded by Genutis to approve the minutes of the Work Session of May 18, 2015. The roll was called. Vote – Yeas: Zolata, Koci, Mizesak, Genutis, Pozar, Saunders. Nays: None. Abstain: Spinks. Motion carried unanimously.

Motion made by Pozar and seconded by Mizesak to approve the minutes of the Regular Meeting of May 18, 2015. The roll was called. Vote – Yeas: Zolata, Koci, Mizesak, Genutis, Pozar, Saunders. Nays: None. Abstain: Spinks. Motion carried unanimously.

ORDINANCE NO. 9270-15 AN ORDINANCE AMENDING CODIFIED ORDINANCE 915.02 ENTITLED “GARBAGE AND REFUSE” PLACED ON FIRST READING MAY 18, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Zolata seconded by Spinks to place Ordinance No. **9270-15** on second reading.

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

ORDINANCE NO. 9271-15 AN ORDINANCE DECLARING THE NECESSITY OF ASSESSING THE EXPENSE OF GARBAGE/REFUSE COLLECTION, RECYCLING AND DISPOSAL WITHIN THE CITY OF BEDFORD AND CERTIFYING TO THE COUNTY AUDITOR THE COSTS DUE TO THE CITY OF BEDFORD FOR GARBAGE AND RUBBISH COLLECTIONS PLACED ON FIRST READING MAY 18, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Zolata seconded by Genutis to place Ordinance No. **9271-15** on second reading.

Mr. Mallis explained the increase would be placed on the 2016 Tax Duplicate for one-family, two-family or three-family dwellings and assessed as \$14.00 for a single family dwelling , \$28.00 for a two family dwelling and \$42.00 for a three family dwelling. The annual cost to the City was \$700,060 for said services and currently the collection was being paid out of the General Fund.

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

City Manager Michael Mallis mentioned being proactive in the grass cutting letters seemed to decrease the number of violations and was an improvement from past years; this was an ongoing battle. He urged the residents to report any flooding issues they had from heavy rainfall and/or severe storms. If the City was aware of flooding issues then they could track and monitor the calls for blockage issues or potential problems in order to keep the flooding under control. He said the infrastructure was old and it couldn't handle large amounts of rain in a short period of time. The City still assisted the residents regarding flooding problems.

Law Director John Montello introduced Judge Candidate Deborah Turner Bedford Heights Assistant Law Director.

Councilwoman Zolata was pleased with efforts of the Service Department regarding the Memorial Day event, she noticed/appreciated the grass violations had decreased this year, the issues at 58 William Street demolition was underway and the City was still experiencing flooding issues throughout the City.

Councilwoman Spinks after sitting on both sides of the fence realized the frustrating legalities of addressing vacant home problems specifically 41 Tudor. She questioned the process regarding Statutory Agents. Mr. Mallis said the City was investigating as to whom the Statutory Agent was. The initial investigation uncovered 97 pages of liens filed against the Agent. Mrs. Spinks appreciated the efforts being made by the various departments involved. Mrs. Spinks was pleased with the efforts made by the utility company and the Service Department pertaining to the recent storm. She announced Mayor Koci would be attending the Columbus School and would meet the fourth and fifth graders. She invited everyone to attend the Strawberry Festival, June 12<sup>th</sup> – 14<sup>th</sup>, where the next FriDates event would be held starting at 7:30 p.m. to 11:00 p.m. She was assisting in the next Sunday Serve on July 5, 2015 with the Church of the Nazarene and the Elevation Community Church.

Councilwoman Mizsak thanked the family at 59 Satin Circle for their help over the weekend as he helped alleviate water from her yard and home. She reported the pink and white house on West Glendale needed a grass notice. She appreciated all the work the Rotary did for the Rib burn-off.

No reports from Councilman Genutis and Councilman Pozar.

Councilman Saunders thanked everyone who attended and assisted in the Memorial Day Parade as Bedford honored those who served our Country. He invited everyone to attend the Strawberry Festival that was formed in 1955. He announced the upcoming Wednesdays Party in the Park events and urged residents to get involved in nominating the 2015 Citizen of the Year as per the requirements/criteria. He reported the corner of Johnson Avenue and Woodrow Avenue still experienced flooding issues.

Mayor Koci welcomed Ms. Turner to the meeting. He reminded everyone it was Council Summer Session and the next regular meeting was scheduled for July 20, 2015; however, there was a Special Council meeting on June 8, 2015.

**Motion to accept the May 19, 2015 Planning Commission recommendation of Drive Time who was seeking to display used motor vehicles located at 19900 Rockside Road.**

Motion made by Genutis and seconded by Mizsak to accept the May 19, 2015 Planning Commission recommendation of Drive Time who was seeking to display used motor vehicles located at 19900 Rockside Road. The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizsak, Genutis, Pozar, Saunders. Nays: None. Motion carried unanimously.

**Motion to accept the May 19, 2015 Planning Commission recommendation of Lamont Robinson who was seeking to open an upscale Barber Shop & Spa located at 717 Broadway Avenue.**

Mayor Koci stated he was personally against another Barber Shop in the Historical downtown district. The City had been trying to determine a plan to revitalize the downtown area with shops so it would become a future destination. Council amended the Codified Ordinances Chapter §1944.051 to attract art, music and retail type stores.

Motion made by Genutis and seconded by Pozar to accept the May 19, 2015 Planning Commission recommendation of Lamont Robinson who was seeking to open an upscale Barber Shop & Spa located at 717 Broadway Avenue. The roll was called. Vote – Yeas: Genutis. Nays: Zolata, Spinks, Koci, Mizsak, Pozar, Saunders. Motion failed.

**Motion to accept the May 19, 2015 Planning Commission recommendation of Curt Harris who is seeking to open an Auto Detail Shop with no used car sales located at 22900 Rockside Road.**

Mr. Montello clarified the applicant Mr. Harris would not be selling any used cars at this location.

Motion made by Spinks and seconded by Genutis to accept the May 19, 2015 Planning Commission recommendation of Curt Harris who is seeking to open an Auto Detail Shop with no used car sales located at 22900 Rockside Road. The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizsak, Genutis, Pozar, Saunders. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9273-15 AN ORDINANCE PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE CODIFIED ORDINANCES OF BEDFORD TO APPROVE, ADOPT AND ENACT THE 2015 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF BEDFORD, OHIO, HEREINAFTER "CODIFIED ORDINANCES", TO REPEAL CERTAIN ORDINANCES IN CONFLICT THEREWITH OR DEEMED OBSOLETE AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Zolata seconded by Spinks to place Ordinance No. 9273-15 on third and final reading and passed.

Mayor Koci explained there was more demand in keeping the State and City laws/amendments current in the City of Bedford Codified Book. Clerk Villers would do this on an as needed basis instead of annually.

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

ORDINANCE NO. 9274-15 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SIMPLEX-IT AND DECLARING AN EMERGENCY

Motion made by Mizsak seconded by Pozar to place Ordinance No. 9274-15 on first reading.

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

**Motion to appoint Yvonne Sudberry to the Board of Building Standards & Appeals (5 yr term)**

Motion made by Mizsak seconded by Saunders to appoint Yvonne Sudberry to the Board of Building Standards & Appeals. The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizsak, Genutis, Pozar, Saunders. 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.

Jean King, 267 Bexley Drive, 20 year resident with a small business background was concerned with the incident she witnessed on May 18<sup>th</sup> and 20<sup>th</sup> at the Bedford Falls Café by the Assistant Fire Chief. The Assistant Chief returned to cite the café owner(s) with a violation while customers ate in the

establishment. The Assistant Fire Chief instructed the owner that they had to "cease" from using the grill due to the violation which was a need of a hood above the grill top. Upon her return two days later she heard from the owners they had to produce a certified letter that stated they would be using the microwave for cooking for the next 90 days.

She had three questions:

- 1) Was this in fact standard procedure for Fire Inspections for a small business? Mayor Koci replied they were checked/inspected annually. Ms. King said on May 18<sup>th</sup> the business passed inspection and on May 20<sup>th</sup> the establishment was alerted to a violation. Mr. Mallis understood when the Assistant Chief went to do the inspection the problem was the odor of the cooking of the bacon which there was an issue with. Mr. Mallis explained the Assistant Chief checked the paperwork in the Building Department and returned to the café on May 20<sup>th</sup> with the violation because of the grease laden foods which required a Type 1 hood system.
- 2) Ms. King asked if all business were being treated equally pertaining to Fire Inspections and Building Standards? Mr. Mallis explained the Fire Department/Assistant Fire Chief had been doing these types of inspections for years and the annual inspections were done over a period of time. Business owners submitted plans to the City Building Department which were approved per the plans and if the business owner changed/alterd their business there would/could be an issue. He reiterated every business was inspected annually and if the City didn't perform the inspection then it would be the State Fire Marshall. Ms. King said the smell of bacon would shut down a business immediately as far as using the grill. Mr. Mallis questioned the "smelling of the grease". Ms. King clarified a time period of rectifying the problem. Mr. Mallis believed there was a time period involved but he did not want to speak for the Assistant Fire Chief. The City was willing to work with all businesses; however, when there was a safety issue the City had to address it. If the City was aware of an issue, it had to address it before it became a huge issue. Mr. Mallis thought the conversation went well. Ms. King was unaware of that; however, she was concerned as to how the violation transpired and the immediacy of getting the problem corrected in front of customers. She said this business supported much of what the City did and they were doing a good job.
- 3) Ms. King asked what exactly was being done to draw small private businesses to the Historical District. Mr. Mallis listed the following: contact small businesses, chains, marketing pieces, talked to small entrepreneurs involved with Cleveland Flea a wide range of small entrepreneurs in Cleveland, local colleges grad students and so on.

Mr. Pozar asked if there was paperwork or a verbal approval of an inspection and when was it given to the establishment. Mayor Koci was not sure of the current procedure but when he did an inspection, there was a three (3) page form but this was before computers. Mr. Pozar questioned if Assistant Fire Chief Solar passed or failed the inspection during the inspection. Mayor Koci explained paperwork was filled out and the business owner had so many days to comply depending on the issue(s). Mr. Pozar got the impression that the business owner assumed they passed the inspection and then they were singled out after the return to City Hall which prompted a second inspection/visit two days later with a citation. He felt this was in implication from Ms. King's comments. He thought what wasn't brought out in Ms. King's comments were State Laws/Codes that addressed grease and fatty type foods. He stressed if any had ever seen a grease fire, they knew it was a serious issue. He clarified for the interested parties that Council was informed of this situation and it was not as if somehow or someday it was directed at this specific establishment or enforcement. The fear was the Historic Downtown District was wooden beamed and a grease fire would take the whole side of the street out. He felt the fear came to light when Assistant Chief Solar reviewed the original application/plans. Mrs. Zolata stressed nobody doubted the Bedford Falls Café owners had done a wonderful job, everyone enjoys the place but the question was the City had to obey the State Laws/Codes if the City didn't act accordingly.

Trish Duncan, 110 Gould Avenue, seven (7) year resident of Ward 5, recently spoke to Mayor Koci about her flooding issues; however, she was not sure why Councilman Pozar didn't make a report this evening of the flooding issues in their Ward. Her home had flooded three (3) times in the past seven (7) years and who in their right mind would purchase her home knowing it had flooded so she felt her home had no value. She understood after the conversation with Mayor Koci that "flooding" had been a problem for a while and that was not what a resident wants to hear especially with the amount of taxes that were being paid. She felt the City and the residents needed to be proactive because she could not keep assuming the financial hits she had experienced. Currently her insurance company would not cover her anymore. She was very disappointed in Mr. Pozar. Mr. Pozar felt his reporting to the regular meeting attendees was of no benefit. The City Managers for year had kept Council apprised of flooding situations throughout the City and Ms. Duncan's area was an area that had issues. He felt there wasn't a report made to the regular meeting attendees that would make a difference. The City addressed the flooding to the best of its ability that night and the message from the City Manager was that there was one or two resident calls/complaints. Council was made aware of problems through the City Manager and Police and not wade through the flooded waters during the storm. Council's job was to address these types of issues accordingly after the fact. Ward 5 was the biggest in the City and it would be physically impossible for him to do during a storm. Ms. Duncan respectfully said it was very comforting to hear other Council members mention problems in their Wards and the residents in Ward 5 would have liked to hear the calls/complaints were being addressed. Mr. Mallis clarified as far as the City being proactive the City decided to annually flush the mains by using the jet truck. Some of the lines were 90 years old so the City was addressing the blockages and issues within the mains. He explained there was a main blocked on Columbus and multiple on Broadway Avenue. There was a significant portion that was bad near Pinecrest and William Street. He shared information with Council as soon as he received the information. Again, he urged Ms. Duncan to contact him to further the discussion.

Carmon Basile, Bedford Falls Café owner, showed Council a piece of paper dated May 18<sup>th</sup> from the Fire Department that showed no violations. He said he took over the business in July 2014 and the previous owners were family members of his. He followed in line the same type of business as his family. He showed other inspections from the Fire Department. He met with Mr. Solar and Mr. Beverly where he learned that they had not been made aware that the café changed hands from the time it was called the Arabica; he showed an inspection that showed the changing of business owners which showed no violations and they were cooking bacon and eggs at that specific time. He showed paperwork that showed no violations. He explained he had spoken to the owner Matt of Concoctions and Mr. Beverly approved his restaurant without a Type 1 hood. With that being said, the businesses were not being treated equally and fair. He referenced an Arabica schematic and was told from Mr. Beverly and Mr. Solar that there was no cooking while it was Arabica and this business never needed a Type 1 hood. He recently questioned whether he could have a convection oven and was told no, unless it had a Type 1 hood. The Arabica schematic showed an oven existed and they should never had been allowed to open without a Type 1 hood. He was also informed by Mr. Solar and Mr. Beverly that the Fire Department had to install a Type 1 hood. He had no problem complying with the law but did have a problem with how he was treated. His daily sales had decreased by \$200-\$500. He could come up with \$10,000 for the hood but the decreased sales were affecting him. He currently was considering purchasing the building and if he purchased it and the business folded he was not going to rent the vacant space. He felt the inspections needed to be fair throughout the City. He pointed out the Hot Dog Hut on Broadway Avenue was making burgers daily without a Type 1 hood. He showed the violation letter from Mr. Solar that stated, "If it found that any cooking is taking place that is contrary to the above Fire Code citation will be issued. Please be advised that in order for you to avoid a Fire Code violation that these need to be rectified no later than March 31, 2015". He received the letter on May 20, 2015, a professional letter that is supposed to be a professional. Him being an ex-firefighter and paramedic someone should have proof read it before it was mailed. He said he was not here to make the City's life a living hell but he needed a little help on this matter. He said he contacted Mr. Beverly regarding a Type 1 hood that was at another Bedford business and Mr. Beverly refused to look at the hood and told him to contact a "hood guy". He found two (2) hood companies and

one was sending a salesman. When he took over the business he changed the cook tops to induction cook tops. He could place a piece of paper between the cookware and the induction cook top and if it wasn't in direct contact with the induction cookware he couldn't cook. He explained the Cuyahoga County Health Inspector gave him 6 months to comply with the installation of a commercial griddle and he had it done in 30 days. He said he had to shut down his cook top immediately in front of customers. Those customers that were present this evening were not upset with him but how the Assistant Fire Chief handled this situation. He understood and had no problem installing a Type 1 hood but all he wanted was for the Fire Department/City to be fair all the way down Broadway Avenue. He said it seemed like he was singled out, he had a history of no violations and previous customers using non-commercial equipment.

During his discussion with Mr. Solar and Mr. Beverly they discussed the Garrettsville business fire incident and how the fire affected those wood built structures. He understood the cause of the Garrettsville fire had not been determined and/or it could have been caused by the torch down rubber roofing project. He pointed out the Concoctions restaurant did not have a Type 1 hood and was directly below residential apartments. He informed everyone the 2x4's used during the Arabica renovation was done with metal 2x4's and a metal roof. He felt if he had to install a Type 1 hood then it was only fair that they all had to do it and do it now.

Sabrina Future, 15 Charles Street, said her neighbor moved, the foreclosed home was vacant with rodents. She did not know the address or the complete situation of the home and wondered if the City could address it. Mr. Mallis said he would check into the matter and offered to discuss this with her at another date of his findings.

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

Meeting adjourned at 9:12 P.M.



Rose Jellars  
Clerk of Council



Mayor - President of Council