

**COUNCIL WORK SESSION
MONDAY, AUGUST 18, 2014**

5:30 P.M. PROMPT

- **DISCUSSION OF AGENDA**
- **DISCUSSION OF HISTORICAL PRESERVATION BOARD RE-APPOINTMENTS**
Chris Sweet/Dick Bender (Beverly)
- **DISCUSSION OF CHANGE IN ESCROW REQUIRMENTS 150% to 100%** (Beverly)
- **DISCUSSION OF LINEWEAVER FINANCIAL GROUP** (6/16/14 Work Session)
- **DISCUSSION OF NEW DISH REGULATIONS – Chapter 1337** (Beverly)
- **EXECUTIVE SESSION** – Personnel/Economic Development/Litigation

Bedford City Council met in a Work Session at Bedford City Hall on Monday, August 18, 2014 at 5:35 p.m.

Present: Council Members: Mayor Stan Koci, Walter Genutis [joined late at 5:40 p.m.], Marilyn Zolata, Paula Mizesak, Greg Pozar, Don Saunders, Sandy Spinks. Administration: City Manager Michael Mallis, Assistant Law Director John Montello, Clerk of Council Lorree Villers, Building Commissioner Calvin Beverly. Absent: None. Also present: Brian Koch, Lineweaver.

Mayor Koci began discussion of the Regular Council Meeting agenda.

Discussion of Agenda

Council had no changes to the minutes of the Work Session of July 21, 2014 and the Regular Meeting of July 21, 2014.

Ordinance No. 9184-14 amended Chapter 911.04 "Director to Control Meter Reading Dates and Bill Payment" as requested by Service Director Mr. Bellar. This would allow the Water Billing Clerks to mail the water bill to the renter along with the property owner/landlord. The landlord would have to fill out a form to initiate the double bill knowing there was an additional \$2.00 fee. The Service Director would act accordingly per water billing cycle. It was determined this would not be a mandatory for every landlord account.

Ordinance No. 9185-14 amended Ordinance No. 8807-11 which designated two (2) new members to the TIRC. These new replacements would be for the former Law Director and City Manager. Council was content with the two replacements of Stanley Koci and Keith Laffin. The TIRC would meet Tuesday, August 19, 2014 at 10:30 a.m. and report back to Council at a future meeting.

Ordinance No. 9190-14 amending Ord. No. 9107-13 Chapter 913.02 titled "Sewer Rates". Mr. Gambosi previously requested this be read as a first reading on July 21, 2014 and a second reading August 18, 2014 as pointed out by Clerk Villers. The Administration indicated the need for the increase because the City owned and operated its sewer utility for the benefit of its residents for many years. The City charged users of its sewer system with reasonable rates designed to cover the costs of operating, maintaining, and improving its sewer system. The City devotes all revenues derived from sewer service charges to the operation, maintenance, and improvement of its sewer system. The sewer rates and sewer service charges were based on water consumption and presently each user's water consumption was measured by monthly water meter readings, and water charges based on such readings were billed and collected monthly. Council determined that it was necessary to increase sewer service charges commencing October 1, 2014 to cover the projected costs of operating, maintaining and improving its sewer system, including, without limitation, paying debt service charges on its bonds and notes issued for improvements to the sewer system. It was determined Mr. Gambosi had submitted the increase information previously for Council's consideration. Mr. Gambosi requested a second reading this evening.

Ordinance No. 9191-14 amended Ordinance No. 9116-13 Chapter 913.03 titled "Rate Reduction for Senior Citizens and the Permanently Disabled". The Administration indicated the need for the increase because the City owned and operated its sewer utility for the benefit of its senior/disabled residents. The City charged users of its sewer system with reasonable rates designed to cover the costs of operating, maintaining, and improving its sewer system. The City devotes all revenues derived from sewer service charges to the operation, maintenance, and improvement of its sewer system. The sewer rates and sewer service charges were based on water consumption and presently each user's water consumption was measured by monthly water meter readings, and water charges based on such readings were billed and collected monthly. Council determined that it was necessary to increase sewer service charges commencing

October 1, 2014 to cover the projected costs of operating, maintaining and improving its sewer system, including, without limitation, paying debt service charges on its bonds and notes issued for improvements to the sewer system. Mr. Gambosi requested a second reading this evening.

Ordinance No. 9194-14 was to levy assessments for Bedford's criminal activity nuisance ordinance. The Chapter was previously amended which would allow the Administration more flexibility. It was determined the assessments for criminal activity repeat offenders would be addressed the same way the Administration handled grass and water assessments. Mr. Genutis thought this type action could cause certain problems for the property owners regarding liens. There was discussion regarding the difference between liens and assessments. It was determined the assessment process would not affect the same as a lien.

Ordinance No. 9195-14 amended Ordinance No. 9122-13 making additional appropriations. Mr. Gambosi explained the memo he submitted to Council. (See attached)

Ordinance No. 9196-14 created and established SEALE Unforfeited Agency Fund. Mr. Gambosi explained SEALE was a multi-community law enforcement organization committed to arrest those trafficking, manufacturing, distributing and/or using illegal narcotics. This organization confiscated funds used in furtherance of drug activity which funds were seized as evidence until the criminal case was resolved. He and SEALE recommended that a separate fund be established to account for the funds until the funds were disposed by Court Order.

Ordinance No. 9197-14 amended Ordinance No. 8866-11 designating bank depositories. Mr. Gambosi noted the only change was First National Bank. Council understood the need for this ordinance.

Ordinance No. 9198-14 clarified wage rates for the Civil Service Commission and Ordinance No. 9199-14 clarified wage rates for the Planning Commission. Mr. Gambosi explained Ordinance No. 9198-14 and Ordinance No. 9199-14 were a matter of clarification on how the Civil Service and Planning Commission were paid. In Ohio it stipulated you had to be paid one hour per day at \$35 per hour verses \$35 per meeting. This would be retro to 2002 and would not change anything prior to this evening. It was determined it would hard pressed for any of these members to qualify for the pension.

Ordinance No. 9200-14 authorized sale agreement for 227-229 West Glendale to Ben Brown in the amount of \$102,000. Mr. Mallis explained this home was a VA Loan and the City was working with the real estate agent.

Ordinance No. 9201-14 authorized emergency expenses for Engine #12 to PENN and E-One in the total amount of \$17,921; \$1030.00 to E-One, Inc. for expenses associated with the tow and a payment of \$16,891 to PENN Commercial Vehicle Solutions for the overhaul and repairs to the engine. One question was what year was Engine 12; nobody knew.

Ordinance No. 9202-14 amended Chapter 717 to establish 717.071 "Tax Establishment and Rate". Mr. Gambosi explained this clarified language to reestablish admissions for hotel/motel taxes at 3%.

Ordinance No. 9203-14 amended Ordinance No. 8161-08 located at 526 Flick/Belle Drive for a Lot Split with the Konopa family. Originally this happened in 2008 but the paperwork was not filed in a timely manner. Stanley Konopa had passed and Robert John Konopa needed the paperwork recorded correctly.

Ordinance No. 9204-14 rezoned property described herein from "R-2" to "B-2A" classification known as P.P. Nos. 811-01-020 and 811-01-021 located at 32 Greencroft Road. There was a Planning Commission Public Hearing on July 22, 2014 where several residents expressed their concerns; mostly on issues that did not pertain to the rezoning itself. Mr. Mallis passed out photos taken today of the recent improvements. There was concern the dealership would not maintain their property. Mrs. Spinks explained the residents

were upset because the improvements had been started prior to the completion of the rezoning process. There had been previous issues between one neighbor and the dealership over the past years. Mrs. Spinks stressed this area needed to be maintained and kept spotless. Mr. Genutis pointed out the issue before Council had to do with rezoning, not possible future Building Department violations. Mrs. Spinks said the issue with the residents was not the fact that the property was being rezoned but maintenance and appearance.

Ordinance No. 9205-14 amended Historical Downtown District Chapter 1944.03 entitled "Permitted Uses". Mr. Beverly briefly explained this was basically a house-keeping issue so all the Chapters matched.

Resolution No. 2484-14 authorized the City Manager to execute an agreement with the heirs of Walter Tiburski, Sr.; the family wished to donate the property to the City because of the passing of their father. It was determined the property was going to be a park like setting for those to enjoy.

Resolution No. 2485-14 authorized the City Manager to execute an agreement w/Bedford 21st Century Development Corporation to accept both Elmer Flick Statues. The Bedford Community Development Board decided to donate both statues to the City. The fiberglass statue would be on display at League Park for the Grand Opening for a period of time. Mr. Mallis said Elmer Flick played at League Park back in his day. The bronze statue would be permanently displayed at the City Square. The Bedford Community Development Corporation would be selling both statues to the City for \$1.00. Mr. Gambosi would hand the transaction.

DISCUSSION OF LINEWEAVER FINANCIAL GROUP

Mr. Brian Koch, Lineweaver Financial Group, gave a presentation this evening. He explained the managed 247b Platform for City employees with the availability of over 2,000 no-load mutual funds. There were two different options to choose from varying on how aggressive the employee wanted to be in his/her investing. There was also a loan provision available. Currently this group was serving 24 surrounding Cities; 10 Police Officers were interested in this group's services but any Bedford employee could sign up if approved by Council. (See attached)

DISCUSSION OF HISTORICAL PRESERVATION BOARD RE-APPOINTMENTS

Chris Sweet and Dick Bender's terms expire in October 2014. Clerk Villers had spoken to Janet Caldwell who expressed the need to keep them as members. Council did not have a problem re-appointing them.

DISCUSSION OF CHANGE IN ESCROW REQUIRMENTS 150% to 100%

Mr. Beverly submitted Chapter 1131.18 for Council's review. The Chapter read as follows: "No person shall sell or enter into an agreement to sell or convey by land contract or otherwise, any interest in any dwelling, building or structure as defined in the Zoning Code without furnishing the buyer, prior to such sale, a current Certificate of Inspection setting forth the authorized use of the dwelling, building or structure under the ordinances of the city and listing any code violations; and, when code violations still remain outstanding at the time of delivery of possession or transfer of title, an escrow shall be established, and there shall be deposited in that escrow both a statement from the buyer acknowledging receipt of the Certificate and an amount of money equal to 150% of the value of the work required to bring into compliance with city ordinances and codes all outstanding violations. However, a statement signed by both the seller and the buyer stating that the premises are undeveloped and contain no dwelling, building or structure may be deposited in escrow in lieu of documents and/or funds required herein." The change would be from 150% to 100%. Mr. Mallis explained he was not sure which direction to go 100% or 150%. The thought was to maybe leave it up to the City Manager and Building Commissioner. The increase to 150% might be too aggressive and might detour young property buyers. Additional discussion would be in September.

DISCUSSION OF NEW DISH REGULATIONS – CHAPTER 1337

Mr. Beverly explained this was regulated by the FCC and the City didn't have any say in the matter. It was determined Chapter 1337 would be repealed from the Codified Ordinances in September.

At 7:35 p.m., Bedford City Council, the City Manager, Assistant Law Director and Finance Director went into an executive session to discuss Economic Development, Litigation and Personnel.

Executive Session adjourned at 7:59 p.m.

Work Session adjourned at 8:04 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 July 21, 2014
- b. Approval of Minutes of the Regular Meeting of July 21, 2014

5. PRESENTATIONS**6. OLD BUSINESS**

- a. Ordinance No. 9184-14 amending Chapter 911.04 "Director to Control Meter Reading Dates and Bill Payment" (Tabled 6/16/14-1st Rdg 7/21/14)
- b. Ordinance No. 9185-14 amending Ord. No. 8807-11 designating members to the TIRC (Motion: 7/21/14)
- c. Ordinance No. 9190-14 amending Ord. No. 9107-13 Chapter 913.02 "Sewer Rates"
- d. Ordinance No. 9191-14 amending Ord. No. 9116-13 Chapter 913.03 "Rate Reduction for Senior Citizens and the Permanently Disabled"

7. REPORTS

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

8. NEW BUSINESS

- a. Ordinance No. 9194-14 levy assessments for Bedford's criminal activity nuisance ordinance
- b. Ordinance No. 9195-14 amending Ordinance No. 9122-13 making additional appropriations
- c. Ordinance No. 9196-14 creating and establishing SEALE Unforfeited Agency Fund
- d. Ordinance No. 9197-14 amending Ordinance No. 8866-11 designating bank depositories
- e. Ordinance No. 9198-14 clarifying wage rates for the Civil Service Commission
- f. Ordinance No. 9199-14 clarifying wage rates for the Planning Commission
- g. Ordinance No. 9200-14 authorizing sale agreement for 227-229 West Glendale w/Ben Brown (\$102,000)
- h. Ordinance No. 9201-14 authorizing emergency expenses for Engine #12 to PENN and E-One (\$17,921)
- i. Ordinance No. 9202-14 amending Chapter 717 to establish 717.071 "Tax Establishment and Rate"
- j. Ordinance No. 9203-14 amending Ordinance No. 8161-08 526 Flick/Belle Drive Lot Split (Konopa)
- k. Ordinance No. 9204-14 rezoning property described herein from "R-2" to "B-2A" classification (P.P. Nos. 811-01-020 and 811-01-021 located at 32 Greencroft Road) (Plan PH 7/22/14)
- l. Ordinance No. 9205-14 amending Historical Downtown District Chapter 1944.03 "Permitted Uses"
- m. Resolution No. 2484-14 authorizing the City Manager to execute an agreement w/the heirs of Walter Tiburski, Sr.

- n. Resolution No. 2485-14 authorizing the City Manager to execute an agreement w/Bedford 21st Century Development Corporation to accept both Elmer Flick Statues

9. HEARING OF CITIZENS

10. ADJOURNMENT

PLEASE TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING

(Council minutes and Agenda posted at www.bedfordoh.gov)

Bedford City Council met in Regular Session at Bedford City Hall on Monday, August 18, 2014. Mayor Koci called the meeting to order at 8:07 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Saunders, Zolata, Spinks, Koci, Mizesak, Genutis, Pozar. Absent: None.

Motion made by Zolata and seconded by Spinks to approve the minutes of the Work Session of July 21, 2014. The roll was called. Vote – Yeas: Saunders, Zolata, Spinks, Koci, Mizesak, Genutis, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Saunders to approve the minutes as amended by Councilman Genutis on page three (3) of the Regular Meeting of July 21, 2014. The roll was called. Vote – Yeas: Saunders, Zolata, Spinks, Koci, Mizesak, Genutis, Pozar. Nays: None. Motion carried unanimously.

This evening Mayor Koci, City Manager Mallis and Fire Chief Nagy on behalf of City Council and the Administration publicly recognized Daniel and Viola Saunders on their 60th Wedding Anniversary, Lieutenant Ryan Turk, Firefighter Steve Bowser and Firefighter Joe Kucera; both from the Maple Heights Fire Department. Councilman Saunders introduced the family. Chief Nagy said Lieutenant Turk had been with the City since 1999 and the new Firefighters were from Maple Heights. All the applicants tested well; he thanked the Civil Service for their efforts in their hiring process.

ORDINANCE NO. 9184-14, AN ORDINANCE AMENDING SECTION 911.04 ENTITLED “DIRECTOR TO CONTROL METER READING DATES AND BILL PAYMENT” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD TABLED ON JUNE 16, 2014 PLACED ON FIRST READING JULY 21, 2014 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Zolata seconded by Spinks to place Ordinance No. **9184-14** on third and final reading and passed.

Mr. Mallis explained this would allow the Director of Public Service to address some water billing issues in the Water Department. In certain instances the property owner and renter would both be aware of the water bill status or whether the water bill had been paid. There were some issues of the renter’s water being shut off without knowledge because the property owner did not pay the bill.

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

ORDINANCE NO. 9185-14, AN ORDINANCE AMENDING ORDINANCE NO. 8807-11 DESIGNATING THE CITY’S MEMBERS TO THE HOUSING COUNCIL AND TAX INCENTIVE REVIEW COMMISSION (TIRC) FOR THE TAX INCENTIVE PROGRAMS FOR THE CITY OF BEDFORD AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Spinks seconded by Zolata to place Ordinance No. **9185-14** on third and final reading and passed.

Mr. Mallis explained Mayor Koci and Keith Laffin would be appointed to the TIRC to assist in the CRA's and Tax Incentives for the businesses throughout the City.

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

ORDINANCE NO. 9190-14, AN ORDINANCE AMENDING SECTION 913.02 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES PLACED ON FIRST READING JULY 21, 2014 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

Motion made by Saunders seconded by Pozar to place Ordinance No. **9190-14** on second reading.

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

ORDINANCE NO. 9191-14, AN ORDINANCE AMENDING SECTION 913.03 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES PLACED ON FIRST READING JULY 21, 2014 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

Motion made by Saunders seconded by Pozar to place Ordinance No. **9191-14** on second reading.

Mr. Mallis explained there was a need for this increase in the sewer rates for the seniors as well.

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

Mr. Gambosi explained the sewer rates needed to be increased because of the City's loss of Ben Venue.

City Manager Michael Mallis congratulated the two new Firefighters and Lt. Turk and the local churches that participated in the Sunday Serve. He announced the new "Free Permit Month" for the month of September. He referred to the two instances of the trains that stopped on the tracks. The railroad representatives have been contacted. Norfolk Southern seems to be the main complaint.

Assistant Law Director John Montello congratulated the Saunders and Firefighters.

Finance Director Frank Gambosi also congratulated everyone. He said there were several that tested well for the two Fire Department positions; the Police Department was next. He urged everyone to pay their taxes.

Councilwoman Spinks said she had the pleasure of working with Mrs. Saunders in the Bedford Garden Club. She participated in the Sunday Serve program to help some of the residents, she also helped with the Back to School Bash. Mrs. Spinks thanked those who donated to buy school supplies for Central School. She was pleased with the new Hoop It Up basketball camp; 17 out of 24 children showed to participate.

Councilman Genutis thought the volunteer cleanup day was a great idea, the Hoops basketball program and congratulated the Firefighters and the Saunders family.

Councilwoman Zolata congratulated the Saunders family and the Firefighters. She commended the efforts of those behind the Sunday Serve. She was impressed with the Hoop It Up program. She referred to Resolution No. 2484-14 which dealt with the Tirburski family donating their lot to the City. This lot was going to be a park like setting for those to enjoy. She requested "No Litter" signs be posted throughout the City.

Councilwoman Mizsak congratulated the Saunders; she expressed how important parents are to us. She had safety concerns with the lane jumpers that cross over the center street line when there was a train stopped on the tracks; this action could possibly create an accident. She asked the residents to become familiar with the children in their neighborhoods so they would know if they did not get off the school bus. Mrs. Mizsak spoke about the vandalism at the Depot Station. She enjoyed helping with the Back to School Bash. She spoke about the disposal of the United States Flag ceremony which she encouraged everyone to attend. Each stripe on the flag was announced during the ceremony.

Councilman Pozar congratulated the Saunders; he too, expressed how much parents mean to us and how they are missed. He said the West Grace road repair was greatly needed but there might be a scheduling problem. Mr. Mallis explained Ronyak Paving was awarded the project which was originally intended to be addressed in 2015 but Council decided to include this street in the 2014 paving project. It was a County road and it was the County's responsibility. Items to be addressed were: five catch basins, up to 5 manhole covers and correcting the grade; the track area was not included. He planned for this project to be completed by the middle of November 2014. Traffic would be maintained in both directions. Mr. Pozar commended the Building Department regarding their increased inspections, however, he urged residents to report any violations so they could be addressed.

Councilman Saunders said the traffic could not be maintained in both directions for West Grace paving project. The base under the street was not the best and the ORC states as soon as a City incorporates it was no longer a County road. Cuyahoga County worked with their cities on these types of projects. He was pleased to see the new rubbish cans placed on the corners of the UH Hospital sidewalks. This was the first time the Historical Society conducted the flag ceremony; Troop #447 currently did not have any members to conduct this activity. After Troop #447 becomes active again with members, it will probably conduct the next ceremony. The gentleman that played the taps served three terms in Vietnam. He asked if the barriers were going to be reinstalled at the Union Street and Broadway Avenue location; drivers were driving over the street markings. Mr. Mallis explained the barriers would be reinstalled after the water leak issue was resolved at this intersection. He asked if the students would be told about using/walking on the sidewalks instead of the streets. Mr. Mallis said it was being addressed.

Mayor Koci explained Sunday Serve efforts were organized by three churches who instead of having their church service helped clean up Bedford; he appreciated their efforts. The start of the joint Dispatch Center would be on August 21, 2014 at 10:00 a.m. to start the construction; completion date was December.

ORDINANCE NO. 9194-14, AN ORDINANCE TO LEVY ASSESSMENTS FOR BEDFORD'S CRIMINAL ACTIVITY NUISANCE ORDINANCE IN THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Saunders seconded by Pozar to place Ordinance No. **9194-14** on third and final reading and passed.

Mr. Mallis explained how this came about and the process that was followed that led up to the property owner being assessed.

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

ORDINANCE NO. 9195-14, AN ORDINANCE AMENDING ORDINANCE NO. 9122-13 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2014 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 on three different days.

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

Motion made by Saunders seconded by Mizsak to place Ordinance No. **9195-14** on third and final reading and passed.

Mr. Gambosi briefly explained the reasons for the changes.

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

ORDINANCE NO. 9196-14, AN ORDINANCE CREATING AND ESTABLISHING A SEALE UNFORFEITED AGENCY FUND AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Saunders seconded by Pozar to place Ordinance No. **9196-14** on third and final reading and passed.

Mr. Gambosi and Mr. Montello explained this fund would be used for drug activity type funds until the Court decided where the funds would be distributed.

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

ORDINANCE NO. 9197-14, AN ORDINANCE AMENDING ORDINANCE NO. 8866-11 DESIGNATING HUNTINGTON BANK, CHARTER ONE BANK, INDEPENDENCE BANK, U. S. BANK, PNC BANK, KEY BANK, J. P. MORGAN, FIRST MERIT BANK AND FIRST NATIONAL BANK FOR THE ACTIVE FUNDS AND HUNTINGTON BANK, CHARTER ONE BANK, INDEPENDENCE BANK, U. S. BANK, PNC BANK, KEY BANK, J. P. MORGAN, FIRST MERIT BANK, FIFTH-THIRD BANK, HUNTINGTON BANK AND FIRST NATIONAL BANK FOR THE INTERIM FUNDS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Mizsak seconded by Pozar to place Ordinance No. **9197-14** on third and final reading and passed.

Mr. Gambosi explained this action was necessary per Ohio Chapter 135 for designation bank depositories for active and interim funds.

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

ORDINANCE NO. 9198-14, AN ORDINANCE TO CLARIFY WAGE RATES FOR THE CIVIL SERVICE COMMISSION OF THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Spinks seconded by Zolata to place Ordinance No. **9198-14** on third and final reading and passed.

Mr. Gambosi explained Ordinance No. 9198-14 and Ordinance No. 9199-14 were a matter of clarification on how the Civil Service and Planning Commission were paid. In Ohio it stipulated you had to be paid one hour per day at \$35 per hour verses \$35 per meeting. This would be retro to 2002 and would not change anything prior to this evening. It was determined it would be hard pressed for any of these members to qualify for the pension.

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

ORDINANCE NO. 9199-14, AN ORDINANCE TO CLARIFY WAGE RATES FOR THE PLANNING COMMISSION OF THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Spinks seconded by Zolata to place Ordinance No. **9199-14** on third and final reading and passed.

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

ORDINANCE NO. 9200-14, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH BEN J. BROWN SELLING THE RESIDENCE AT 227-229 WEST GLENDALE AVENUE (P.P. 812-16-012), BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Saunders seconded by Mizensak to place Ordinance No. **9200-14** on third and final reading and passed.

Mr. Mallis said this home was purchased through the \$1.00 program and renovated per code. He welcomed Mr. Brown to the City of Bedford.

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

ORDINANCE NO. 9201-14, AN ORDINANCE AUTHORIZING PAYMENT FOR EMERGENCY EXPENSES ASSOCIATED WITH THE OVERHAUL AND REPAIR OF ENGINE 12 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Zolata seconded by Genutis to place Ordinance No. **9201-14** on third and final reading and passed.

Mr. Mallis explained this was additional expenses to the 2007 Fire Engine that was in need of repair based on engine hours.

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

ORDINANCE NO. 9202-14, AN ORDINANCE AMENDING CHAPTER 717 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD ESTABLISHING CHAPTER 717.071 ENTITLED “TAX ESTABLISHMENT AND RATE”, 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 on three different days.

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

Motion made by Saunders seconded by Pozar to place Ordinance No. **9202-14** on third and final reading and passed.

Mr. Gambosi explained this clarified language to reestablish admissions for hotel/motel taxes at 3%.

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

ORDINANCE NO. 9203-14, AN ORDINANCE AMENDING ORDINANCE NO. 8161-08 APPROVING THE LOT SPLIT AND CONSOLIDATION PLAT REGARDING PERMANENT PARCEL NUMBERS 812-24-028, 812-24-015 AND 812-24-016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Mizensak seconded by Saunders to place Ordinance No. **9203-14** on third and final reading and passed.

Mr. Mallis explained this strip of land was started in 2008 and the recording of the consolidation was not completed in a timely fashion.

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

ORDINANCE NO. 9204-14, AN ORDINANCE REZONING PROPERTY DESCRIBED HEREIN FROM "R-2" TO "B-2A" CLASSIFICATION AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

Motion made by Zolata seconded by Genutis to place Ordinance No. **9204-14** on first reading.

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

ORDINANCE NO. 9205-14, AN ORDINANCE AMENDING ORDINANCE NO. 7139-99, CHAPTER 1944 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD, OHIO WHICH OUTLINES THE REQUIREMENTS FOR “PERMITTED USES” IN THE H-D HISTORICAL DOWNTOWN DISTRICT 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 on three different days.

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

Motion made by Saunders seconded by Mizesak to place Ordinance No. **9205-14** on third and final reading and passed.

Mr. Mallis explained this was a housekeeping issue; in Ordinance No. 9170-14 which amended Chapter 1944.051.

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

RESOLUTION NO. 2484-14, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH THE HEIRS OF WALTER A. TIBURSKI, SR. TO ACCEPT A DONATION OF THE REAL PROPERTY LOCATED AT BROADWAY AND MITCHELL (PPN 814-23-023), AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Zolata seconded by Spinks to place Resolution No. **2484-14** on third and final reading and passed.

Mayor Koci explained this would be made into a nice green space for the residents.

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

RESOLUTION NO. 2485-14, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH BEDFORD 21ST CENTURY DEVELOPMENT CORPORATION (“BCDC”) TO ACCEPT A DONATION OF BOTH THE ELMER FLICK STATUES AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

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

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

Motion made by Zolata seconded by Genutis to place Resolution No. **2485-14** on third and final reading and passed.

Mr. Mallis explained the fiberglass statue would be on display at League Park for the Grand Opening for a period of time. Bedford's own Elmer Flick played at League Park in his day. The bronze statue would be permanently displayed at the City Square. The Bedford Community Development Corporation would be selling the statues to the City for \$1.00.

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

Sandra Ball, 80 Ellenwood, spoke about the water main break on Ellenwood and wondered if it contributed to the flooding of the certain basements. Mr. Mallis explained the severe amount of rainfall at that specific time was the reason for the flooded basements. There was discussion about the manholes blowing off; Mr. Mallis would check into it. Mrs. Ball commented about how she was treated by the male Dispatcher when she called to report the amount of water in the street. She felt the Dispatcher should have calmed her. Mr. Mallis would listen to the tape of her call.

Carol Pittis, 19 Elm Street, referred to her article in the Liberty New & Views regarding "litter throughout the City". She showed a bumper sticker her son designed and she wanted to attach them to the trash cans.

Joy Arnold, 873 Northfield Road, spoke about the "nasty" toilet paper that was on her tree lawn from the overflow of the City sewer plus a dying tree. Mr. Mallis said the Service Department would jet the storm sewer and check the tree.

Lynne Eppich, 512 Belle Avenue, was concerned with the stopping of the trains on the track and safety concerns for her area. She did not feel an emergency vehicle could get through a certain area if there were other larger vehicles on the road at the same time. She asked if there were any ordinances on the books to protect the residents. Mr. Mallis explained the surrounding cities worked together on mutual aid. He said the quiet zones would be readdressed again; there were several issues to consider and the City had been working on this as an ongoing project. Ms. Eppich questioned the use of the train horns. Mr. Mallis pointed out there were instances where deer were on the tracks so the conductor blew the horn extra-long to scare them off the tracks. Ms. Eppich asked about the water main break near the tracks before winter. Mr. Mallis assured her the water main break would be addressed before cold weather.

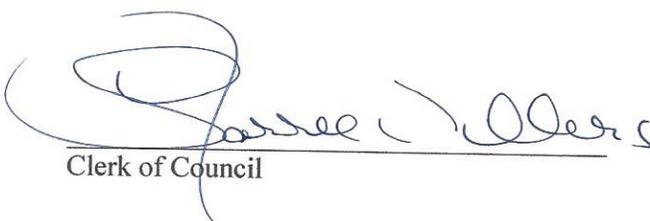
Andy Cigany, 881 Northfield Road, spoke about the obnoxious orange 7 ½ foot fence on McKinley. He personally talked to the Building Department one year ago and nothing was done about it. He contacted the Building Department two weeks ago and the female told him an Inspector would be out to look at it. According to Mr. Cigany the Inspector did not show. He stressed the fence is disgusting; it's been there for over one year. Mr. Genutis said the Building Department cited the resident on McKinley. The property owner asked if the fence could remain until the end of the growing season. At the end of the season the fence would be removed. The property owner would look at another alternative for 2015. Mr. Mallis would make sure the fence was removed at the end of the season.

Kathy Williams, 491 Lamson, asked if the new business that bought Ben Venue purchased the buildings. Mr. Mallis replied, yes; Hikma entered into an agreement to purchase 100 % of the assets. The Tax Abatement would be honored accordingly; the abatement was honored through severance packages. Ms. Williams referred to the article in the Plain Dealer regarding the paid salary of the Bedford Municipal Judge of \$114,000. She asked how much the City paid of his salary. Mr. Gambosi replied, per ORC and the Ohio Supreme Court the City paid 40%. The Judge had to be kept on the payroll until the guilty plea or the Courts find him guilty. Mr. Gambosi would be instructed in a letter as to what actions he needs to take. Mr. Montello explained Judge Melling and part time/visiting Judges were handling the work load.

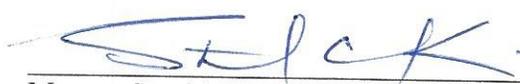
Sabrina Future, 15 Charles Street, thanked everyone for their service. She encouraged and challenged the Administration and Council to "go outside the box and think of new ways of doing business". She asked for justice regarding her water bill; she felt the City Ordinances could be changed accordingly. She asked the City to be fair to her. She pointed out again the standing water in the alley. Mr. Mallis said the City was trying to determine who owns the land before taking action. The Service Department was aware of the issue. Mrs. Zolata stated the alley next to her house was the City's; the other side could be the businesses. Mr. Mallis would address this. Ms. Future asked for the definition of the "criminal nuisance activity ordinance". Mr. Mallis explained it was any violation of any City Ordinance excluding Traffic Violations. If there was an ongoing issue at a specific or same address, the landlord was mailed a warning letter after three Police responses to inform them that any future Police Officer/Administrative costs the landlord would be responsible for. Ms. Future asked if a commercial business/bar could be considered as a criminal nuisance. Mr. Mallis replied, yes. Ms. Future asked if the City/school could educate the children on jay-walking to avoid a financial hardship. Mr. Mallis, Mr. Montello and Mayor Koci explained the schools SRO educate the children on such issues as well as the Juvenile Diversion Program. Mrs. Zolata told Ms. Future if she was having a problem with a specific bar to call the Police Department.

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: Saunders, Zolata, Spinks, Koci, Mizensak, Genutis, Pozar. Nays: None. Motion carried unanimously.

Meeting adjourned at 10:01 P.M.



Clerk of Council



Mayor – President of Council