

**COUNCIL WORK SESSION
TUESDAY, SEPTEMBER 3, 2013**

6:30 P.M. PROMPT

Refreshments will be served

- DISCUSSION OF AGENDA

- DISCUSSION OF BOARDS & COMMISSIONS RE-APPOINTMENTS
 - Dennis Kotmel, Board of Zoning Appeals (expires 10/14/13)

- COURT REQUEST ON HEALTH INSURANCE – Mayor Pocek

- **EXECUTIVE SESSION**
 - Personnel – Finance Department
 - Litigation

Bedford City Council met in a work session at Bedford City Hall on Tuesday, September 3, 2013 at 6:30 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizesak, Greg Pozar, Don Saunders. Administration: City Manager Henry Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman, Clerk of Council Lorree Villers. Absent: None. Also Present: Joe Mestnik.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

The minutes of the Work Session and the Regular Meeting of August 19, 2013 were approved by Council.

Ordinance No. 9100-13 was an ordinance to levy assessments for grass cutting on various lots in the City. Mr. Gambosi explained the total cost of the assessments shall be payable in cash within thirty (30) days. He added there was an incredible amount of lawns that needed to be addressed this year with a minimum billing of \$200.00 per cut. Mr. Angelo pointed out the City was not in favor of being in business to cut lawns but it needed to be addressed. Mr. Pozar questioned several of the amounts on the exhibit. He questioned how some of the calculations of the amounts were determined because some of the amounts did not make sense. Mr. Gambosi mentioned there were other charges and time associated with these lots besides just mowing but he would check on the larger amounts and report back to Council with the details.

Ordinance No. 9101-13 was an ordinance authorizing payment for the cremation expenses of Lynn Marie Matsako in the amount of \$525.00. Mr. Angelo explained the City was responsible for indigent cremations. Council understood the expenses associated with this request.

Ordinance No. 9102-13 was an ordinance contracting with Angelo Benedetti, Inc. to pave 500 feet of Egbert Road in the amount of \$9,000.00. He noted the other quotes that were much higher.

Ordinance No. 9103-13 was an ordinance contracting with Emergency Communications Network for CodeRED in the amount of \$9,980.00. Deputy Chief Nietert reported to Mr. Angelo that the next 3 year contract would be unlimited minutes. The current agreement was too costly with the overages in minutes because of the many water line breaks the City had experienced. The costs would be paid equally from the Water Department and General Fund. The minutes would be unlimited to better serve the City's needs. It was determined it would be cost effective to stay with CodeRED instead of changing to NIXLE because of recreating the database. Mrs. Zolata questioned section 7 of the agreement. It was determined the wording was correct.

Ordinance No. 9104-13 was an ordinance contracting with Nerone & Sons, Inc. for 2013 Wastewater Treatment Plant in the amount of \$259,984.00. Mr. Angelo explained there were four parts to this contract: Primary Tank Valve Replacement, 3 Way Valve Replacement Piping Improvement, Sludge Well Repair and Rotary Distributor Rehabilitation for the WWTP. Nerone & Sons was the lowest bidder for the project. Mr. Batten questioned if this was not an EPA requirement. It was determined it was not.

Ordinance No. 9105-13 was an ordinance amending Section 1907.01(d) (2) of the Planning and Zoning Code and Ordinance No. 9106-13 was an ordinance amending Section 1305.01(b) of the Building Code. Mr. Schuman explained these two ordinances were something that needed addressed immediately. These

were ordinances that were companion ordinances to assist in the Building Department for Building Permits. It was necessary that the contractor post 100% Performance Bond for the value of the project. The City had experienced some issues recently so this was in the best interest for the City so if a contractor walked off the project the City could go after the bond and the bonding company would have to pay the remaining portion of the contract. He requested these two ordinances be passed as emergency legislation.

Resolution No. 2472-13 was a resolution accepting amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to County Auditor. Mr. Gambosi said this was an annual resolution and the levies for 2014 were the same as 2013; the only difference was a 1 mill from the General Obligation Fund to the General Fund.

Council agreed to re-appoint Dennis Kotmel to the Board of Zoning Appeals for the next term. This would be addressed at the September 16, 2013 Regular Council meeting.

Mayor Pocek said Mr. Tom Day had requested Council discuss the health insurance for the Court employees this evening. The current cost was \$52 for single person coverage and \$130 for family coverage. Mr. Day suggested a percentage be paid according to the individual's salary instead of a monthly premium; the more a person was paid the higher the percentage paid. It was determined this was not a good idea for several reasons. It was known that insurance rates and costs were going to increase in the future and some changes needed to be made. Wellness Plans were available and that might be something to consider. Health insurance was a serious issue that needed to be addressed.

Mayor Pocek said Mrs. Zolata had a request this evening. Mrs. Zolata requested there be an update regarding the Building Department since there was a new Building Commissioner. She wanted to know why there were so many problems at the rentals. Mr. Angelo said Council recently made changes to the Codified Ordinances to ensure items would be addressed accordingly. The Building Department was making more inspections than had been done in the past. It was determined this issue would be addressed at the September 16, 2013 Work Session with Mr. Beverly present to answer questions.

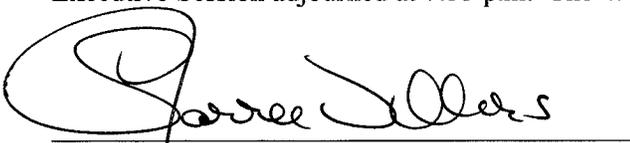
Mrs. Zolata then expressed her concern regarding a nuisance complaint she had received from a resident about a house of renters in her area. Mr. Angelo explained the Police reports he had received from the Police Department and the renters had not reached the number of calls to be charged a cost through the nuisance ordinance. He understood a couple of the calls were rescue calls and not nuisance calls which were not counted toward the count.

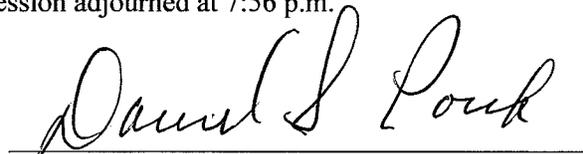
Discussion of the Regular Meeting agenda was concluded.

At 7:30 p.m., Bedford City Council and Ms. Villers went into an executive session to discuss personnel.

At 7:38 p.m., Ms. Villers exited executive session and Mr. Schuman, Mr. Gambosi and Mr. Angelo entered executive session to discuss personnel and litigation.

Executive Session adjourned at 7:55 p.m. The Work Session adjourned at 7:56 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 August 19, 2013
- b. Approval of Minutes of the Regular Meeting of August 19, 2013

5. REPORTS

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

6. NEW BUSINESS

- a. Ordinance No. 9100-13, levy assessments for grass cutting on various lots in the City of Bedford
- b. Ordinance No. 9101-13, authorizing payment for the cremation expenses of Lynn Marie Matsako (\$525.00)
- c. Ordinance No. 9102-13, contract with Angelo Benedetti, Inc. to pave 500 feet of Egbert Road (\$9,000.00)
- d. Ordinance No. 9103-13, contract with Emergency Communications Network for CodeRED (\$9,980.00)
- e. Ordinance No. 9104-13, contract with Nerone & Sons, Inc. for 2013 Wastewater Treatment Plant – Contract D (\$259,984.00)
- f. Ordinance No. 9105-13, amending Section 1907.01(d)(2) of the Planning and Zoning Code
- g. Ordinance No. 9106-13, amending Section 1305.01(b) of the Building Code
- h. Resolution No. 2472-13, accepting amounts and rates as determined by the Budget Commission and Authorizing the necessary tax levies and certifying them to County Auditor

7. HEARING OF CITIZENS

8. 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 Tuesday, September 3, 2013. Mayor Pocek called the meeting to order at 8:00 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Koci, Mizensak, Pocek, Pozar, Saunders, Zolata, Batten. Absent: None.

Motion made by Pozar and seconded by Mizensak to approve the minutes of the Work Session of August 19, 2013. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Batten to approve the minutes of the Regular Meeting of August 19, 2013. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

No report from City Manager, Henry Angelo.

No report from Law Director, Ken Schuman.

Finance Director, Frank Gambosi spoke about the notices the Tax Department had recently mailed to the non-filers and non-information on the City's records. He urged those residents to contact the Tax Department. He noted the Finance Department was very busy this time of year working on the 2014 Budget.

Councilman Saunders suggested another notice be placed in the utility bill insert in bold letters to stop people from blowing their grass/yard clippings into the streets. This debris was being washed down the catch basins during rains, which was not appropriate. Mr. Angelo asked for the addresses so the Administration could follow up.

Councilman Pozar pointed out the West Grace railroad crossing had experienced some traffic congestion the past couple of days. After talking to Mr. Mallis, there was a suggestion the signalization be reviewed. Mr. Angelo explained the Police Department and Signal Service was reviewing the area. He would follow up to see the results. Mr. Pozar asked for an update regarding the occupant in the old Taylor Chair building. Mr. Angelo explained after a couple different prospects, the new company to occupy the building was called Art of Beauty employing 40-50 employees. Art of Beauty's focus was for a future expansion. The City was very pleased and welcomed Art of Beauty to Bedford. Mr. Pozar pointed out the gang symbol tagging on the bridge on Powers Road. He expressed kudos regarding the quick response in cleaning off these markings in Bedford. This type of behavior would not be tolerated in Bedford.

Councilwoman Mizensak was pleased with amount of resident involvement this evening at the meeting; she wished everyone well. She asked if the company resurfacing the 22 streets reviewed their work prior to completion of the punch list. Mr. Angelo explained the punch list was coordinated between the inspectors, the City Engineer, Service Director and a Ronyak representative. Ronyak would not be paid until the work was agreed upon. He urged Council to call if they noticed something. Mrs. Mizensak pointed out 56 Santin Circle needed a form removed and an opening addressed. She couldn't remember after talking to the Receptionist Annie Zgrabik when the rubbish was to be picked up because of the holiday. Mr. Angelo figured it would be a day late but he was not sure.

Mayor Pocek asked Mr. Angelo what his overall impression was regarding the services performed by Ronyak. Mr. Angelo said there were a few things that needed to be corrected throughout the paving project but there was quality improvement. He explained the inspections were being done by a different group other the City's engineering firm. Ronyak's paving services were on schedule.

Councilwoman Zolata complimented the work on the Municipal complex parking lot. She announced the dedication of the Elmer Flick statue unveiling on September 25, 2013 from 12:00 p.m. to 2:00 p.m. on the Bedford Commons. She requested the Administration note on the utility bill if a renter was moving they weren't allowed to place their rubbish prior to the normal rubbish collection day. Mr. Angelo urged Council and residents to call if they see this happening and the Service Director would address the issue. The Service Director would review the amount of rubbish and if he thought it was more than a cubic yard he would call J & J Refuse/Kimball and have the family that was moving billed separately. Mr. Pozar was not aware the City was separately charging for additional rubbish so he wondered how that was enforced. Mr. Angelo was not exactly sure how J & J Refuse/Kimball determined the amount and charges but there had been times where the driver would dispatch a call to their office who alerted the City. The City agreed with the rubbish company to bill the violator. Mrs. Zolata thought this should be placed on the utility bill. She shared a story that if a resident had passed, the family members cleaning out the home would not be aware of the City laws. She spoke about the Work Session discussion of upping the requirements regarding rentals/vacancies. She clarified the City was inspecting the rentals/vacancies on a regular basis so it was being addressed.

Councilman Koci welcomed the two school board members in attendance. He noted there was a very quiet start to the new school year. He pointed out the problem of residents parking on their lawns again; he figured with a new Building Commissioner the housing inspector should become more active regarding this issue. He briefly mentioned the Celebration of the Arts and the Oktoberfest which were two great weekends.

Councilman Batten reviewed the Oktoberfest scheduled (see attached). He announced Albert Peters was the 2013 Citizen of the Year and each evening had a local band playing. He wished for good weather.

ORDINANCE NO. 9100-13, an ordinance to levy assessments for grass cutting for various lots in the City of Bedford, Ohio during the year 2013 and declaring an emergency was read by title only.

Motion made by Zolata seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Mizesak seconded by Pozar to place Ordinance No. **9100-13** on third and final reading and passed.

Mr. Gambosi explained the total cost of the assessments shall be payable in cash within thirty (30) days from and after the passage of this ordinance. There was an incredible amount of lawns that needed to be addressed this year with a minimum billing of \$200.00 per cut which the City was not in business to do. He mentioned a few larger amounts he was going to review and report back to Council.

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

ORDINANCE NO. 9101-13, an ordinance authorizing the City of Bedford to pay for the cremation expenses of Lynn Marie Matsako and declaring an emergency was read by title only.

Motion made by Koci seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Saunders to place Ordinance No. **9101-13** on third and final reading and passed.

Mr. Angelo explained the City was responsible for indigent cremations. This resident had passed away two months ago.

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

ORDINANCE NO. 9102-13, an ordinance authorizing the City Manager to enter into a contract with Angelo Benedetti, Inc. and declaring an emergency was read by title only.

Motion made by Zolata seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Mr. Angelo explained this project was being done on Egbert Road of approximately 50 feet. The cost was \$9,000 with hopes of six years of surface wear.

Motion made by Saunders seconded by Mizesak to place Ordinance No. **9102-13** on third and final reading and passed.

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

ORDINANCE NO. 9103-13, an ordinance authorizing the City Manager to enter into a contract with Emergency Communications Network, LLC. 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 ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Mr. Angelo explained this was a three year contract for the CodeRED services. The costs would be paid from the Water Department and General Fund. The minutes would be unlimited to better serve the City's needs.

Motion made by Koci seconded by Zolata to place Ordinance No. **9103-13** on third and final reading and passed.

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

ORDINANCE NO. 9104-13, an ordinance authorizing and directing the City Manager to enter into a contract with Nerone and Sons, Inc. being the lowest, responsive and responsible bidder and declaring an emergency was read by title only.

Motion made by Mizesak seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Mr. Angelo explained there were four parts to this contract: Primary Tank Valve Replacement, 3 Way Valve Replacement Piping Improvement, Sludge Well Repair and Rotary Distributor Rehabilitation for the WWTP. This was not an EPA requirement.

Motion made by Batten seconded by Koci to place Ordinance No. **9104-13** on third and final reading and passed.

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

ORDINANCE NO. 9105-13, an ordinance amending Section 1907.01 (d)(2) of the Planning and Zoning Code of the City of Bedford, Ohio and declaring an emergency was read by title only.

Motion made by Koci seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Mr. Schuman explained Ordinance No. 9105-13 and Ordinance No. 9106-13 were companion ordinances for any Building Permits that were issued. The contractor would have to post 100% Performance Bond for the value of the project. It was insurance for the City so if a contractor walked off the project the City could go after the bond and the bonding company would have to pay the remaining portion of the contract. Previously the City had experienced some issues with this.

Motion made by Saunders seconded by Pozar to place Ordinance No. **9105-13** on third and final reading and passed.

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

ORDINANCE NO. 9106-13, an ordinance amending Section 1305.01 (b) of the Building Code of the City of Bedford, Ohio 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: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to place Ordinance No. **9106-13** on third and final reading and passed.

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

RESOLUTION NO. 2472-13, a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and declaring an emergency was read by title only.

Motion made by Batten seconded by Koci to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Mr. Gambosi explained the levies for 2014 were the same as 2013; the only difference was a 1 mill from the General Obligation Fund to the General Fund. Mrs. Mizensak asked if there was going to be any increases to the residents. Mr. Gambosi asked only if their values increased.

Motion made by Mizensak seconded by Pozar to place Resolution No. 2472-13 on third and final reading and passed.

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

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

Richard Novak 1252 Broadway Avenue, talked about the “Quality of Life” issues he has had for a number of years. The rental property across the street from him had newer renters and in the last 90-days he has noticed some disturbing problems as follows: Seven people living in the house with no water or natural gas, two weeks ago they placed their grill in the kitchen to cook on, endangering an 18 month child. He asked if Cuyahoga County Child Services could get involved. A pit-bull came to his back door, he called the Police and the renters caught the dog and took it back to the house. A week later, the pit-bull chased a neighbor down the street and the dog has not been seen since. There have been a number of violent outbreaks inside and outside at 1:00 a.m. 3:00 a.m. 4:00 a.m. and the Police claim the renters stated there were no problems just discussions, the Police do not ask him what he witnessed. Two weeks ago, two males urinated against the home outside in the daytime. At 11:00 p.m. one night, he heard fighting, screaming, yelling when two males were thrown out the upstairs window – one male left in a van the other stayed and was fighting a female in the front yard – two Oakwood and one Walton Hills Police officers responded and the renters claimed there were no issues. The next evening, there was a similar situation which included a Rescue Squad and four Bedford, two Oakwood and one Walton Hills police officers. A week later at 3:00 a.m., the female was on the garage roof screaming but according to another neighbor the police was just there because she was in a tree breaking limbs, on September 2, 2013 at 5:00 p.m., four police officers and two Rescue Squads took the female away. He felt the Safety Forces are being taxed by these rental properties. He wondered what the costs were associated in police responses. Mr. Novak felt the City needed to do something. He stated there were times he didn’t call the police because he knew they could not respond quickly enough.

Joyce Daunch, 86 Harriman Street, announced the Weekend of the Pooka, the celebration of the arts event to be held on September 13 and 14, 2013. She urged those who were interested in attending the concert to purchase their tickets as soon as possible because there was limited seating.

Kathy Williams, 491 Lamson Avenue, asked what the City could do about a resident living in a house without water. Mr. Angelo noted he was going to follow up on Mr. Novak’s situation tomorrow with the Police Department, Water Department and Building Department. There were rules and regulations in place that needed to be abided by. The landlord was responsible for paying the water bill and if worse came to worse, the City would get a court order and the resident would have to vacate. A resident could not live in a house without water.

Jean Sapir, 70 Columbus Road, Southeast Branch Cuyahoga County Library, listed several good things the library was doing (see attached). She briefly noted the library was doing some slight improvements throughout the library.

Tim Tench, 286 Marion Drive, was also very pleased with the start of the school year and the football game. He suggested the Police Department monitor the students walking in the streets. He noted some vandalism at the schools until the cameras were installed. He mentioned the same tagging Mr. Pozar had previously mentioned this evening, which was addressed immediately. He clarified the Classified Staff at the school had not reached a contract agreement. The pay increases were 3% for three years. He referred to the discussion of Mr. Novak this evening. He thought there were other ways to address these problem renters. Mr. Schuman explained this Council had to abide by the ridiculous laws that were handed down by State and Federal legislators that actually protect these types of problem renters. He urged the residents to take this topic up with the State and Federal legislators. Mr. Tench felt Council should address these types of issues on the resident's behalf.

Dot Schwende, 513 Lamson Avenue, pointed out the traffic congestion on West Glendale and Broadway Avenue area. She said on August 31, 2013, she saw a white van drive on the freshly sealed Municipal Complex parking lot and the man driving the van ended up being the striper for the parking lot. She was not sure if Sirna Construction was going to fix the damage. She also pointed out a catch basin collapsing on her street. Mr. Angelo noted Ms. Villers advised him of the van complaint she had called in earlier, which Mr. Bellar was going to address if needed. He added there were several catch basins throughout the City that were going to be addressed as a group to save money.

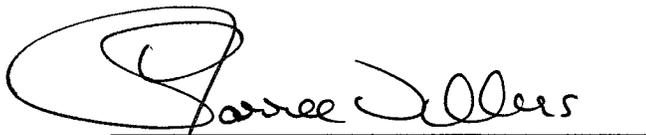
Orlando Rosario, 257 Deborah Lane, had some concerns about a nest of bunnies in his backyard that he felt the Animal Warden was not addressing appropriately. He was afraid his dog was going to cause harm to the bunnies and he wanted them removed. Mr. Angelo would follow up on this complaint.

Sandy Spinks, 265 Grand Boulevard, thanked Mr. Angelo on behalf of the resident living at 289 Grand Boulevard for taking care of the infestation at 295 Grand Boulevard. Mr. Angelo appreciated the thought.

Mrs. Zolata ensured the residents that the Administration was addressing the problems with some of the renter issues. This issue would be discussed in future meetings and the Administration would continue to act on these matters.

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

Meeting adjourned at 9:07 P.M.


Clerk of Council


Mayor – President of Council