

**COUNCIL WORK SESSION
MONDAY, AUGUST 22, 2011**

6:30 P.M. PROMPT

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- **DISCUSSION OF AGENDA -**
- **EXECUTIVE SESSION – Personnel**

Bedford, Ohio

August 22, 2011

Bedford City Council met in a Work Session at Bedford City Hall on Monday, August 22, 2011 at 6:30 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizesak, Donald Saunders, Greg Pozar. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Hank Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman.

Absent: None.

Mayor Pocek delayed the discussion of the agenda to allow resident Debbie McGuinness to speak so she would not have to wait.

Debbie McGuinness, 99 Willard Avenue, explained she had some health issues and was currently under a doctor care and she wasn't able to drive and had to be picked up by the RTA to get to her doctor appointments. The problem she was having was the renter resident that lived at 94 Willard Avenue was parking for extended hours and the vehicle was in the way of the RTA bus so she was having problems getting on the bus. After a brief discussion Mr. Angelo said he would request an officer go and speak with the renter at 94 Willard and make them aware of the issue.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Council members did not have any corrections regarding the July 11, 2011 Work Session and Regular Council minutes and the July 18, 2011 Special Work Session and Special Council Meeting minutes.

Ordinance 8862-11 was an ordinance establishing new Section 545.23 - "Secondhand Dealers" (1st Reading July 11, 2011). Mr. Angelo explained this ordinance allowed the Police Department to look at the business owner's inventory for possible stolen goods. After a brief discussion it was determined that Council and the Administration still had questions regarding the reason for this legislation that was requested by Chief Duber so Mr. Angelo said he would have the Chief present at the next meeting.

The Mayor mentioned Jim Wagner would be present this evening to update everyone on the Elmer Flick progress and also the girls would be presenting a plaque.

Resolution No. 2448-11 was a resolution reimbursing the water fund for Grand, Franklin and Magnolia waterline replacement, OPWC Project, with the proceeds of tax exempt debt. Mr. Gambosi noted this would protect the City if an accident was made and the City would be reimbursed with no problems. He added this resolution had to take place because of the OPWC regulations.

Ordinance No. 8865-11 was an ordinance amending Ordinance No. 8859-11 regarding the Time Warner Contract. Mr. Angelo explained the new monthly payment was decreased to \$480.77 because Ms. Dulaney had actual laser shots/readings done of the actual cable footage, which ended up being a huge savings for the City. He reminded Council that Time Warner would not be providing service for the optic lines and this was only for a one (1) year contract.

Ordinance No. 8866-11 was an ordinance designating application to the City for several banks for active and interim funds. Mr. Gambosi noted this was something the City addressed every five (5) years per the ORC Chapter 135.

Ordinance No. 8867-11 was an ordinance levying assessment for delinquent water bills. Mr. Angelo noted this was something that was done twice a year. Council questioned why some of the amounts were so high. It was determined that it must have been a water leak.

Ordinance No. 8868-11 was an ordinance declaring the property and structure located at 62 Grandmere Drive a nuisance. Mrs. Mizsak said she had visited the property and it was a mess. She was glad to see it was going to be taken care of.

Ordinance No. 8869-11 was an ordinance authorizing approval of engineering fees to GPD Group for Rockside resurfacing in the amount of \$12,634.15. Mr. Gambosi noted the City was responsible for only 8% of the project. There was some discussion whether the 8% was correct.

Ordinance No. 8870-11 was an ordinance authorizing the City Manager to enter into a contract with Nerone & Son Inc. for the Wastewater Treatment Plant Equalization Basin 2011 Improvements in the amount of \$487,935.00. Mr. Angelo explained Nerone & Sons was the lowest bid for the work. He noted the basin would be cleaned out and the sediment taken to an EPA approved landfill. He explained to Council the City was not expecting these additional costs. Mayor Pocek mentioned this was an ongoing project and he hoped it would be taken care of someday.

Ordinance No. 8871-11 was an ordinance authorizing the City Manager to purchase playground equipment from GameTime for Palmetto Park in the amount of \$34,734.96. Mr. Angelo said this purchase was through the U.S. Communities Master Intergovernmental Cooperative program so it did not have to be bid. He noted this was grant monies and it was money well spent.

Ordinance No. 8872-11 was an ordinance amending Chapter 505 COB by establishing Chapter 505.25 "Feeding of Wildlife and Stray Animals Prohibited". Mr. Angelo explained the Dog Wardens needed something a little more aggressive. The City had a few residents that were feeding all sorts of wildlife and stray animals, which was causing problems with surrounding neighbors.

Ordinance No. 8873-11 was an ordinance authorizing the City Manager to enter into a contract with Sirna Construction for Broadway Avenue road repairs in the amount of \$12,154. Mr. Angelo explained the repair would be to ODOT specifications and would address two (2) sections. Mayor Pocek explained this would fix the road where there was a previous water main break. Mr. Angelo noted this project was under \$25,000 so the City did not have to bid this project and this was the lowest quote.

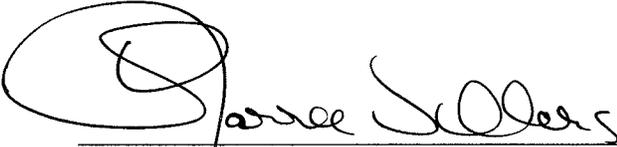
Ordinance No. 8874-11 was an ordinance amending Ordinance No. 8760-10 making additional appropriations for current expenditures. Mr. Gambosi read the memo he had given Council that listed the reasons for the increases and decreases. [see attached] Council had no concerns with any of items.

Ordinance No. 8875-11 was an ordinance authorizing the City Manager to enter into a contract with Terrance Construction Company, Inc. for Grand, Franklin and Magnolia waterline replacement in the amount of \$923,463.25. Mr. Gambosi added the City originally borrowed \$595,000 for this project and since then the City had applied to OWPA for additional funding and the City obtained \$240,000 in regards to a grant as well as an additional \$400,000+ for a 20 year loan at zero percent interest.

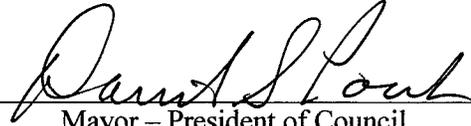
Discussion of the Regular Work Session agenda was concluded.

At 7:47 p.m., Bedford City Council, City Manager Hank Angelo, Law Director Ken Schuman, Finance Director Frank Gambosi went into an executive session to discuss personnel. Executive Session adjourned at 7:54 p.m.

At 7:55 p.m., Bedford City Council adjourned to conduct the Regular Council Meeting.



Clerk of Council



Mayor – President of Council

REGULAR MEETING

BEDFORD CITY COUNCIL
STATE OF OHIO
COUNTY OF CUYAHOGA

DATE: August 22, 2011

AGENDA

TIME: 8:00 P.M.

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 11, 2011
- b. Approval of Minutes of the Regular Meeting of July 11, 2011
- c. Approval of Minutes of the Special Work Session of July 18, 2011
- d. Approval of Minutes of the Special Council Meeting of July 18, 2011

5. OLD BUSINESS

- a. Ordinance No. 8862-11 establishing new Section 545.23 - "Secondhand Dealers" (1st Reading 7/11/11)

6. REPORTS

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

7. PRESENTATIONS

- a. James Wagner – Elmer Flick Committee & Girls Softball

8. NEW BUSINESS

- a. Resolution No. 2448-11 reimbursing the water fund for Grand, Franklin and Magnolia waterline replacement, OPWC Project, with the proceeds of tax exempt debt
- b. Ordinance No. 8865-11 amending Ord. No. 8859-11 Time Warner Contract (\$480.77)
- c. Ordinance No. 8866-11 designating application to the City for several banks for active and interim funds
- d. Ordinance No. 8867-11 levying assessment for delinquent water bills
- e. Ordinance No. 8868-11 declaring the property and structure located at 62 Grandmere Drive a nuisance
- f. Ordinance No. 8869-11 authorizing approval of engineering fees to GPD Group for Rockside resurfacing (\$12,634.15)
- g. Ordinance No. 8870-11 authorizing the City Manager to enter into a contract with Nerone & Son Inc. for the Wastewater Treatment Plant Equalization Basin 2011 Improvements (\$487,935.00)
- h. Ordinance No. 8871-11 authorizing the City Manager to purchase playground equipment from GameTime for Palmetto Park (\$34,734.96)
- i. Ordinance No. 8872-11 amending Chapter 505 COB by establishing Chapter 505.25 "Feeding of Wildlife and Stray Animals Prohibited"
- j. Ordinance No. 8873-11 authorizing the City Manager to enter into a contract w/Sirna Construction for Broadway Ave. road repairs (\$12,154)
- k. Ordinance No. 8874-11 amending Ordinance No. 8760-10 making additional appropriations for current expenditures
- l. Ordinance No. 8875-11 authorizing the City Manager to enter into a contract with Terrance Construction Company, Inc. for Grand, Franklin and Magnolia waterline replacement (\$923,463.25)
- m. Motion to accept the recommendations of the TIRC Meeting of July 25, 2011

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, Ohio

August 22, 2011

Bedford City Council met in Regular Session at Bedford City Hall on Monday, August 22, 2011. 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: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak.

Motion made by Zolata and seconded by Pozar approve the minutes of the Work Session of July 11, 2011. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Mr. Koci abstained because he was on vacation when this meeting was held. Motion carried.

Motion made by Saunders and seconded by Mizesak to approve the minutes of the Regular Meeting of July 11 2011. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Mizesak. Nays: None. Mr. Koci abstained because he was on vacation when this meeting was held. Motion carried.

Motion made by Koci and seconded by Batten approve the minutes of the Special Work Session of July 18, 2011. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Mizesak approve the minutes of the Special Meeting of July 18, 2011. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizesak. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8862-11, an ordinance establishing a new Section 545.23 of the Codified Ordinances entitled “Secondhand Dealers” of the codified ordinance of the City of Bedford and declaring an emergency was read by title only.

Motion made by Koci and seconded by Zolata for Second Reading.

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

Mr. Angelo, City Manager, reported he has received a very nice letter from the Mayor of Maple Heights which thanked the Bedford Fire Department for their assistance at the fire at their new middle school. He also commended the fire department on a job well done. He announced effective September 6, 2011 Bedford Heights would be added to the Fire Departments auto response program, which the participating three (3) fire departments have been in training. He noted the joint efforts would save the City of Bedford from purchasing a ladder truck because the fire departments were sharing the truck. He commended Dick Bender on his advertisement for rain gutters. Mr. Bender thanked Mr. Angelo.

Mayor Pocek officially thanked Mr. Angelo on his excellent job regarding the World Changers Program. Mr. Angelo explained how the program worked and there were four cities, four mayors along with the Bedford schools and the churches that fed the laborers that were working together on this program. He noted 21 projects were completed by the children and young adults. He explained a story of one of the residents that cried because she received a play card from the workers that had done work on her house which was placed in her yard. He mentioned that Council would be playing a video soon for everyone to watch. Mayor Pocek stated that Mr. Angelo went above and beyond and he felt he needed to be commended for it. Mr. Angelo added that there were three employees that worked very hard on the program as well: Leonette Cicirella for getting the \$20,000 grant, Rick Hollan and Tony Romito for being Bedford’s own Ty Pennington from the TV show. He noted he couldn’t have done this without their help.

No report from Ken Schuman, Law Director.

Mr. Gambosi, Finance Director, commented that the three cities that were involved with the fire assistance were all Civil Service, filed for the same testing procedures and they were of good quality.

Councilman Saunders thanked Troop 447 and the VFW for the annual Flag Retirement on the square. He explained each year one of the businesses donated a tattered flag and the group cut each stripe off the flag and told the meaning/history of each stripe and its location. He noted several hundred flags were retired and the remaining were buried in the veteran's section of the Bedford cemetery. He mentioned unfortunately the crowd was very small this year and he noted that the newspaper was not present for the ceremony. He said it was a shame because it was the 10th anniversary of 9/11. He noted how quickly people forget because ten years ago everyone was flying a flag and when you have an event of this nature it seemed like everyone just took it for granted. He pointed out that this ceremony would take place in 2012. Mayor Pocek stated the flag was "our" living monument and it reflects "us" and the flag has been with "us" since the beginning in many different forms. He noted there was a certain dignity with the retirement of a flag and a certain dignity when a veteran passed away and the certain way the flag was folded and presented to the widow.

No report from Councilman Pozar.

Councilwoman Mizsak thanked Mayor Pocek for giving her the opportunity of representing the Mayor and the City of Bedford. She noted from experience the chilling experience of receiving a flag as a family member because it happened when her father passed. She suggested everyone tell their neighbors and friends to display a flag because we are proud.

Councilwoman Zolata thought Mr. Angelo was being modest when it came to his efforts regarding the World Changers program. She added that this program covered four communities and the work that was done was phenomenal. She explained the chosen residents were originally told they would have to pay for materials but because of all the unexpected donations and hard work of the City employees the materials were covered. She shared a story Mr. Angelo had previously told her which was when the City had approached a certain resident to tell her that she had qualified for the program that she threw up her hands and asked if she was on camera. She added some of the ministers were very proactive in the program as well. She asked if the dye testing results were going to be mailed to the involved residents. Mr. Angelo noted the testing was not complete and the residents would be notified of the test results and there would be some costs to the residents.

Councilman Koci commended the Fire Department on the joint efforts in the fire assistance in the three communities. He thanked the City's response to the raccoon problem on 725 High Street. He noted there was some roof repair currently happening. Mr. Angelo explained the appropriate permits had been pulled and there was going to be more than just the roof fixed and the City was going to assess the bank for the costs. He announced there was a Community Health and Wellness Day on Taft Avenue and Northfield Road area on August 27, 2011 from 11:00 a.m. to 2:00 p.m., Nature Stone event the Day of Caring was on September 3, 2011 from 10:00 a.m. to noon on the square, the Weekend of the Pooka was on September 16, 17 and 18, 2011 and Oktoberfest Bicycle Poker Run on September 9, 10 and 11, 2011 starting at 8:30 a.m.

No report from Councilman Batten.

Mayor Pocek read a poem he received from a resident that moved here three years ago from Liverpool England named Michael Charters. He defined the phrase "High Street" as the main drag in a town. The Bedford Advantage – Parties in the park, linger till its dark. Feeling safe, secure, calling out for more.

Singing to the flag, goodies in the bag. Down at Bedford pool, come on play it cool. Wander down the High Street, lots of folk to meet. It's a wonder place. Thanks to God's good Grace. By Michael Charters.

Mayor Pocek announced James Wagner was here this evening to give a presentation regarding the Elmer Flick Committee this evening. He wanted to read this section of the presentation before Mr. Wagner started. Born in Bedford, Ohio, on January 11, 1876, Elmer Harrison Flick was the third of five children – three sons and two daughters – of Zachary Taylor and Mary (Caine) Flick. Elmer's father, an American Civil War veteran, was a farmer and skilled mechanic who operated a chair-making shop in Bedford and gained a certain degree of notoriety because of his failed attempt or attempts (the stories vary) to fly without using an airplane.”

Mr. Wagner updated everyone that the sculpture of the statue was decreased from \$54,000 to \$35,000 because of the height and the new casting location which was local. He showed an example of the etched four feet by eight foot stainless steel sign along with the bio which was by Angelo J. Louisa. The bio would be printed on 2/3's of the sign in 1/2 inch letters. He hoped to present the sign next month. The location had not been selected yet for the statue because of security coverage. Mr. Pozar asked what the amount was that had been previously collected. Mr. Wagner was not sure of the amount however he understood there was \$30,000 promised for the statue. Mr. Pozar asked if the Historical Society collected the money. Mr. Wagner replied, yes. Mr. Pozar asked if the Cleveland Indians were involved. Mr. Wagner stated the Cleveland Indians did not participate in these types of things. Mayor Pocek asked how long it would take to cast a statue. Mr. Wagner noted very quickly because of the size and local location.

Mr. Wagner thanked the City for sponsoring the Cuyahoga Valley girls elite fast pitch league fourteen and under traveling softball team which had 15 wins and 1 loss and the girls rewarded the City and they won the League Championship. The softball team presented a plaque to Tim Anderson in the Recreation Department.

Council thanked Mr. Wagner for his hard work regarding the Elmer Flick statue and the girls' softball league.

The Mayor moved forward to address the remainder of the agenda.

RESOLUTION NO. 2448-11, a resolution declaring the official intent and reasonable expectations of the City of Bedford on behalf of the State of Ohio (the borrower) to reimburse its water fund for the Grand Blvd., Franklin Ave. and Magnolia Ave. waterline replacement, OPWC project number CA220 & CA230 with the proceeds of tax exempt debt of the State of Ohio and declaring an emergency was read by title only.

Motion made by Batten and seconded by Koci to suspend the rule requiring the reading of said resolution on three different days.

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

Motion made by Saunders and seconded by Pozar to place Resolution No. 2448-11 on third and final reading and passed.

Mr. Gambosi explained this resolution had to take place because of the OPWC regulations.

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

ORDINANCE NO. 8865-11, an ordinance amending Ordinance No. 8859-11 authorizing the City Manager to enter into an agreement with Time Warner Inc. to provide dark fiber to the City of Bedford enabling the city to have telephone and internet service in the Recreation Department and Service Garage and declaring an emergency was read by title only.

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

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

Motion made by Koci and seconded by Batten to place Ordinance No. 8865-11 on third and final reading and passed.

Mr. Angelo explained Time Warner Inc. would not be providing service for the optic lines which forced the City to act on this issue. He noted the City had the lines measured again and the footage was less so the monthly cost was reduced. This contract was previously passed as a one (1) year contract.

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

ORDINANCE NO. 8866-11, an ordinance designating Huntington Bank, Charter One Bank, Independence Bank, U. S. Bank, PNC Bank, Key Bank, J. P. Morgan, First Merit Bank and Parkview Federal 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 Parkview Federal Bank for the interim funds and declaring an emergency was read by title only.

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

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

Motion made by Mizsak and seconded by Saunders to place Ordinance No. 8866-11 on third and final reading and passed.

Mr. Gambosi noted Chapter 135 O.R.C. required the City to apply every five (5) years for depositories of active and interim funds.

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

ORDINANCE NO. 8867-11, an ordinance to levy assessments for delinquent water bills in the City of Bedford, Ohio and declaring an emergency was read by title only.

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

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

Motion made by Batten and seconded by Zolata to place Ordinance No. 8867-11 on third and final reading and passed.

Mr. Gambosi explained twice a year the City was allowed to certify to the County delinquent water bills so they can be assessed.

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

ORDINANCE NO. 8868-11, an ordinance declaring the property and structure located at 62 Grandmere Drive (P.P. NO. 812-28-036) a nuisance, ordering action and declaring an emergency was read by title only.

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

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

Motion made by Mizsak and seconded by Zolata to place Ordinance No. 8868-11 on third and final reading and passed.

Mr. Angelo noted Mrs. Mizsak had contacted him regarding the poor condition of this vacant home and this ordinance allowed the City to take action against the mortgage company so they are aware of the condition and to clean it up.

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

ORDINANCE NO. 8869-11, an ordinance authorizing approval of engineering fees to GPD Group for its services regarding the resurfacing of Rockside Road in the City of Bedford and declaring an emergency was read by title only.

Motion made by Koci and seconded by Batten for First Reading.

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

ORDINANCE NO. 8870-11, an ordinance authorizing the City Manager to enter into a contract with Nerone & Sons, Inc. being the lowest, responsive and responsible bidder, and declaring an emergency was read by title only.

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

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

Motion made by Batten and seconded by Zolata to place Ordinance No. 8870-11 on third and final reading and passed.

Mr. Angelo explained Nerone & Sons was the lowest bid for the work at the Equalization Basin at the wastewater treatment plant. He noted the basin would be cleaned out and the sediment taken to an EPA approved landfill. The City was not expecting these additional costs.

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

ORDINANCE NO. 8871-11, an ordinance authorizing the purchase of playground equipment for Palmetto Park from Gametime through the U.S. Communities Master Intergovernmental Cooperative purchasing agreement and declaring an emergency was read by title only.

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

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

Motion made by Mizesak and seconded by Batten to place Ordinance No. 8871-11 on third and final reading and passed.

Mr. Angelo said this was purchase was through the U.S. Communities Master Intergovernmental Cooperative program so it did not have to be bid. Mr. Pozar clarified this purchase was through a CDBG and not purchase by city monies.

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

ORDINANCE NO. 8872-11, an ordinance amending Chapter 505 of the Codified Ordinances of the City of Bedford establishing a new section numbered 505.25 entitled “Feeding of Wildlife and Stray Animals Prohibited” and declaring an emergency was read by title only.

Motion made by Zolata and seconded by Saunders for First Reading.

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

ORDINANCE NO. 8873-11, an ordinance authorizing the City Manager to enter into a contract with Sirna Construction, Inc. for Broadway Avenue road repairs and declaring an emergency was read by title only.

Motion made by Batten and seconded by Koci to suspend the rule requiring the reading of said ordinance on three different days.

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

Motion made by Saunders and seconded by Mizesak to place Ordinance No. 8873-11 on third and final reading and passed.

Mayor Pocek explained this would fix the road where there was a previous water main break. Mr. Angelo noted this project was under \$25,000 so the City did not have to bid this project and this was the lowest quote.

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

ORDINANCE NO. 8874-11, an ordinance amending Ordinance No. 8760-10 making additional appropriations for current expenditures of the City of Bedford, Ohio during the year 2011 and declaring an emergency was read by title only.

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

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

Motion made by Mizesak and seconded by Saunders to place Ordinance No. 8874-11 on third and final reading and passed.

Mr. Gambosi listed the items that were mentioned in his memo to Council [see attached].

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

ORDINANCE NO. 8875-11, an ordinance authorizing the City Manager to enter into a contract with Terrace Construction Company, Inc. being the lowest, responsive and responsible bidder and declaring an emergency was read by title only.

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

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

Motion made by Saunders and seconded by Pozar to place Ordinance No. 8875-11 on third and final reading and passed.

Mr. Angelo said the total cost was \$923,463.25 and this would be for the waterline and the resurfacing of Grand Boulevard, Franklin Avenue and Magnolia Avenue for the Waterline Replacement OPWC Project. Mr. Gambosi added the City originally borrowed \$595,000 for this project and since then the city had applied to OWPA for additional funding and the City obtained \$240,000 in regards to a grant as well as an additional \$400,000+ for a 20 year loan at zero percent interest.

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

Motion made by Saunders and seconded by Pozar to accept the recommendation of the TIRC Meeting of July 25, 2011.

Mr. Schuman explained this was an annual meeting where the Tax Incentive Review Community (TIRC) reviews the businesses payroll and job creation that were within the City. He noted there were currently 14 businesses that were on the list and most of the businesses were in compliance with payroll and job creation, however there were a couple businesses struggling because of the economy. He noted the TIRC City representatives were the City Manager and Law Director. He commented that the struggling businesses would be reviewed by the City Manager and himself for future evaluation.

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

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

Frank Petrash, 9 West Interstate [Ord. #8755-10] explained the sanitary problems he's had since he purchased this home from the City of Bedford. He explained since he has owned this home the City had snaked and had done a video tape of the line, which he thought Mr. Angelo had reviewed. He noted his mother [Mrs. Beasley] was the one in communication with Mr. Angelo because of his work schedule. He understood from his mother that Mr. Angelo was going to fix the problem because it was a City violation. He said the house had no violations when he purchased it. He said he talked to Mike Mallis who told him that Council voted on this issue and it was voted down. He said he then contacted his Council representative [Zolata] and he was told his issue had not been before Council for consideration. He bluntly asked whether his sanitary line was going to get fixed or not.

Mr. Schuman replied, No. He explained this issue was not before Council for consideration rather it was addressed by the Law Department. He stated the City of Bedford had no knowledge that there were sanitary line issues when the house was sold to him. He stressed the contract that was signed by him [Mr. Petrash] stated he was purchasing the house "as is". He added because of the contract language he felt it was inappropriate for the City to pay and/or fix the problem and this also included all the resident buyers of the City of Bedford. Mr. Petrash felt the City was selling homes with violations. Mr. Schuman clarified that the City did not know there was a problem mainly because this was not an item that would be checked out by the City prior to selling any house. He noted that all the buyers had the opportunity to do their own inspection prior to purchasing. Mr. Petrash said he purchased with a VA loan and an inspection was not a requirement. Mr. Schuman made it clear that was Mr. Petrash's choice not to do any inspection and it was the responsibility of the buyer. Mr. Angelo stated that he never told his mother [Mrs. Beasley] that the City was going to fix the sanitary line. Mrs. Beasley disagreed with Mr. Angelo because she said Mr. Angelo had told her on the phone that the City of Bedford didn't want to sell any house that was damaged and it was going to be fixed. She added they had received a note from Todd Toaz Construction plus Mr. Toaz had flagged and marked the property so they thought it was going to be fixed. She said she was lied to by Mr. Angelo. Mr. Angelo pointed out that there were some discrepancies in their story and he knew this issue had not been addressed by Council so why would Mike Mallis say that and he didn't say the City was fixing the line. Mr. Petrash questioned the fact that when he called the Service Garage he was third on the project work list. Mr. Angelo noted he was not aware of that. Mr. Petrash asked if the City was going to fix his problem. Mr. Angelo replied, No. Mr. Petrash and Mrs. Beasley left the lectern upset and remarked that he appreciated getting lied to and they both left Council Chambers.

Mr. Angelo clarified for Council that Mike Mallis had worked very hard in trying to resolve this issue and he knew Mike Mallis did not say the things he got accused of saying. He explained he had conversations with Mr. Schuman regarding this issue and he was advised by Mr. Schuman not to fix the line. Mr. Pozar referred to the statement Mrs. Beasley had made about the property being flagged. He wanted to know if this was done prior to them purchasing the house or after. Mrs. Beasley came back into Council Chambers and replied the flags were placed after the house had been purchased by her son. She added the City had put a camera in the line two or three times after the house was purchased. She stated she was

very upset with Mr. Angelo because she was told by him that it was definitely going to be taken care of because the City would not sell property that would cause new homeowner problems. She commented to Mr. Angelo that he knew the aggravation they had gone through with the City regarding this house. She said she did not want to condemn anybody but Mr. Angelo knew the individual that caused all the problems. She mentioned Mr. Angelo had called her at home because of the hours her son worked. She stated she was very upset and she does not lie and Mr. Angelo called her a liar and she didn't like that. Mr. Angelo stated he did not call her a liar but he knew what he had told her/them. Mrs. Beasley stated she was told by Mr. Angelo it was going to be taken care of. Mr. Angelo remembered he had told her the City would not have sold a house with violations but the City was not aware of any violations. He agreed the City did televise the line and the City pointed out to Mr. Petrash that he had a problem in lateral line which was the sewer line that ran from the house to the street. There was confusion as to "who" marked the area. Mr. Petrash said Todd Toaz marked the sewer and the Service Garage marked the water line because the lines ran together. Mrs. Beasley told her son to show Mr. Angelo the card that was left on his door. Mr. Angelo noted this was a private construction company. Mr. Petrash understood that because the City would not dig it because it was too deep so Todd Toaz was called. He noted he also had a collapsed tile under his basement floor. Mr. Angelo asked Mr. Petrash if he thought the City was responsible for that problem too. Mr. Petrash replied no because it was shallow enough for him to do, however he could not dig his own sanitary line because he didn't have the proper machine. He noted he wasn't going to pull a permit for something he thought the City should take care of. He felt the inspectors were not doing their job. Mr. Angelo replied why the City would inspect a lateral when the City was not aware of any problems. Mr. Petrash noted the drive and garage was ripped out so the construction vehicles probably caused the damage. Mr. Angelo assured Mr. Petrash that the 22 houses that the City purchased did not have the lateral inspections. Mr. Petrash asked if he would have been responsible for the repairs if he had flushed the toilet the very first time and had gotten sewage in the basement. Mr. Schuman replied, yes. Mr. Pozar asked at the point of sale inspection for a normal home purchase was the lateral checked. A lot of people replied, no. Mr. Pozar pointed out an underground lateral inspection was not a standard check list item for the Building Department.

Kathy Williams, 491 Lamson asked the City to send a letter to the bank that owns 445 Lamson to have the weeds cut. She added 677 Broadway had newspapers on the windows for two months and looks tacky.

Beth Housiauxsteward, 93 Avalon Avenue asked if the City would get involved in an idea for a donation to an area food bank. The concept was for the City to calculate what the cost would be if the lights were burning and then take donations for an area food bank in honor of the cost of the lights. She thought this would be a valuable lesson for the children. She noted 32% of Ohioans and 15% of the County was on food stamps. She was willing to be the committee and she was asking for assistance from the City to spread the word. Mr. Gambosi thought he could get an idea of the energy costs from the City's Energy Report. Mr. Pozar was willing to make a contribution to the food bank and he volunteered Mr. Angelo's donation. It was determined that this idea needed a lot of discussion, research and to get the area churches involved. Mrs. Housianuxsteward didn't care what food bank the donation went to because it was important to start feeding our own.

Nancy Kusek, 99 Wheelock Drive said she talked to Mr. Williams from Consumer Counsel and he had been trying to get in touch with Mr. Somers. Mr. Angelo said he would try and contact Mr. Somers on her behalf. Mrs. Kusek reported a few telephone poles that needed replaced. Mr. Angelo listed several telephone poles that the City requested to be replaced. Mrs. Kusek noted the dispatch records had been erased so the company can say whatever they wanted. She said there were several conflicting stories and she just wanted to get to the bottom of it.

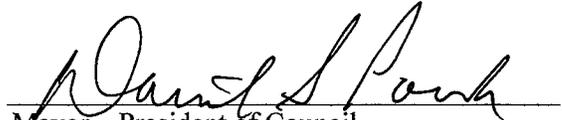
Patricia Karabowicz [Trish Kara], 432 Union Street thanked the City for promoting the Quality of Life and wellness in Bedford. She invited everyone to the Oktoberfest Bicycle Poker Run on September 9, 10 and 11, 2001 starting at 8:30 a.m. at Bedford Falls Café. She also invited everyone to the Pagan Pride Day

on August 27, 2011. She noted she was also involved with the Bedford Historical Society, advertising, marketing, planning/running events, editing, training and photography.

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

Meeting adjourned at 9:20 P.M.


Clerk of Council


Mayor – President of Council