COUNCIL WORK SESSION
MONDAY, DECEMBER 19, 2011

6:45 P.M. PROMPT

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

Bedford, Ohio December 19, 2011

Bedford City Council met in a Work Session at Bedford City Hall on Monday, December 19, 2011 at 6:45 p.m.

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

Mayor Pocek began discussion of the Regular Council Meeting agenda.

The Mayor wanted to quickly touch on two topics: 1) the Swearing-In Ceremony head count and the type of food Council wanted Clerk Villers to order, and 2) Student Government Day. Council Members decided a veggie tray, fruit platter and pastries were sufficient, along with coffee, tea and punch. Catered Elegance and Miles Farmers Market would be providing the food for the occasion.

After a short discussion, it was determined Council would hold off regarding the Student Government Day topic until Mr. Gambosi informed them of what the Rotary Club had officially decided. Mr. Gambosi said the Rotary Club would be discussing the idea that 2012 would be the last year that the club will pay for the dinner at the school and the school would have to find someone else to sponsor it. He would inform Council of the decision at the January 2012 Council work session. At that time Council would decide the direction they wanted to take.

Council members did not have any corrections regarding the December 5, 2011 Work Session and Regular Council meeting minutes.

Mayor Pocek noted there needed to be a motion this evening to schedule the Organizational Meeting for January 2, 2012.

Mr. Koci was asked by the Mayor to explain the request of Pastor Boquist, which was that Council not hold the normally scheduled Monday meetings on Federal holidays such as Martin Luther King, President's Day and Labor Day. After a short discussion, Council agreed to add a motion to this evening's agenda as letter "g" to address this topic. Council did not have any problems with rescheduling the meetings to the following Tuesday but the Planning Commission would have to reschedule its normal Tuesday meeting if necessary.

Ordinance 8919-11 was an ordinance amending Ordinance No. 8760-10 making additional appropriations for current expenditures of the City of Bedford, Ohio during the year 2011. Mr. Gambosi reviewed his memo he had written to Council. He explained this was the final for the year 2011, which included the 1% retro pays from the union negotiations, grant items and health insurance fund.

Ordinance No. 8920-11 was an ordinance authorizing the City Manager to execute a Memorandum of Understanding with the Village of Oakwood and the Village of Walton Hills for a new radio repeater. Mr. Schuman explained this was mandated by the FCC and the costs would be split equally between the Village of Oakwood, the Village of Walton Hills and the City of Bedford for the new radio repeater, which would be located on the City's campus tower.

Ordinance No. 8921-11 was an ordinance authorizing the City Manager to enter into a contract with O. P. Aquatics for a pool lift at the City's recreation center. Mr. Schuman explained this was mandated by the Department of Justice which required operators and owners of municipal pools to provide a means of entry into the pool for the handicapped.

Ordinance No. 8922-11 was an ordinance authorizing additional work for the Adams Street and Woodrow Avenue Improvements for the amount of $16,151.50. Mr. Schuman explained the additional work that was necessary for the new curbs in this area. Mr. Saunders thought it was a good idea and it would be a benefit for this area.

Council did not have a problem with the motion to accept the Amended Capital Asset Disposal Policy because it would be a policy to allow the City to buy and sell property more easily. Mr. Schuman and Mr. Gambosi explained this policy allowed the City to dispose of its capital assets and now the City would be able to use broker price opinions to determine the fair market value of any property the City would purchase or sell.

Discussion of the regular Work Session agenda was concluded.

At 7:12 p.m., Bedford City Council, Law Director Ken Schuman, Finance Director Frank Gambosi went into an executive session to discuss personnel. Executive Session adjourned at 7:57 p.m.

At 7:58 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	DATE: December 19, 2011
AGENDA	COUNTY OF CUYAHOGA	TIME: 8:00 P.M.

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1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**
   a. Approval of Minutes of the Work Session of December 5, 2011
   b. Approval of Minutes of the Regular Meeting of December 5, 2011

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

6. **NEW BUSINESS**

   a. Motion to schedule the Organizational Meeting for January 2, 2012 at 8:00 p.m.
   b. Ordinance No. 8919-11 amending Ordinance No. 8760-10 making additional appropriations
   c. Ordinance No. 8920-11 authorizing the City Manager to enter into a Memorandum of Understanding with the Village of Oakwood and the Village of Walton Hills for a new radio repeater
   d. Ordinance No. 8921-11 authorizing the City Manager to enter into a contract with O. P. Aquatics for a pool lift ($3,650)
   e. Ordinance No. 8922-11 authorizing additional work for the Adams Street and Woodrow Avenue Improvements ($16,151.50)
   f. Motion to Amend and Accept the Capital Asset Disposal Policy

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, Ohio December 19, 2011

Bedford City Council met in Regular Session at Bedford City Hall on Monday, December 19, 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: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Absent: None.

Motion made by Mizsak and seconded by Pozar to approve the minutes of the Work Session of December 5, 2011. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Koci. Nays: None. Abstain: Batten. Motion carried.

Motion made by Koci and seconded by Zolata to approve the minutes of the Regular Meeting of December 5, 2011. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Koci. Nays: None. Abstain: Batten. Motion carried.

Ken Schuman, Law Director and acting City Manager briefly explained a report from the Office of the Ohio Consumers' Counsel which addressed the investigation surrounding the power outage that occurred on April 13, 2010. He instructed Ms. Villers to send a copy of the report to Ms. Nancy Kusek since she was not present at this evening's meeting [see attached]. He was very happy the City hadn't spent any money pursuing this issue.

Frank Gambosi, Finance Director wished everyone Happy Holidays.

Mayor Pocek introduced Ms. Brown a representative from Congresswoman Martha Fudge's office. Ms. Brown said if anyone had any problems or questions to feel free to call the office. She also wished everyone Happy Holidays and a Happy New Year on behalf of Congresswoman Fudge and the administration.

Mayor Pocek introduced State Representative John Barnes, Jr. Mr. Barnes spoke briefly regarding Article 11 of the Ohio Constitution. He listed the cities that had been recently redistricted. He noted he was very interested in working with everyone regarding their concerns. Mayor Pocek explained the history he had experienced with the Barnes family and told Mr. Barnes to consider the City of Bedford his second home.

No report from Councilman Batten. Mayor Pocek congratulated Mr. Batten on all his hard work regarding the several events he organized.

Councilman Koci agreed with Mayor Pocek's previous comment regarding Mr. Batten's hard work. He then wished everyone a Merry Christmas and Happy Healthy New Year!

Councilwoman Zolata spoke about the Christmas in Bedford Falls event and that she received a notice from the Historical Society that their visitor attendance had increased since last year. She thought it was a wonderful event. She urged everyone to recycle because the recycling average/percentage had decreased. She wished everyone a Merry Christmas.

Councilwoman Mizsak spoke about the three accidents that had happened in the City during the first snow. Councilwoman Mizsak thanked the safety forces for their assistance. She wished everyone a Happy Holiday. Councilwoman Mizsak urged everyone to donate some food items at the Wellness Center.

Councilman Pozar noted the issue the City had experienced regarding the CEI power surge. He commended the Administration for a job well done in saving the City money by not engaging in a fight that would have been futile, mishaps like this can be very frustrating. He said it was nice to meet Mr.

Barnes and noted the last representative responded to Bedford Heights and not to Bedford. He made it clear that they were two different cities.

Councilman Saunders wished everyone a very Merry Christmas and a Happy Healthy New Year. He appreciated the number of residents that decorated this year which tied in with the festive downtown lighting. He pointed out that Mr. Barnes had already slipped and referred to Bedford as Bedford Heights.

Mayor Pocek addressed Mr. Barnes and told him the difference between Bedford and Bedford Heights was Bedford was the bigger community; the older community and Bedford Heights had the bigger jail. Mr. Barnes apologized.

Mayor Pocek also wished everyone a Merry Christmas, Happy Chanukah, Happy Kwanzaa and Happy New Year.

Motion made by Koci and seconded by Mizsak to add letter "g" to the agenda as a Motion that Council would not schedule any Council Meetings if they fell on a Monday on a federal holiday listed as: Martin Luther King, President's Day and Labor Day and the meeting would be rescheduled for the following Tuesday. [Note: the Planning Commission Meeting would have to be rescheduled.]

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

Motion made by Koci and seconded by Zolata to schedule the Organizational Meeting for January 2, 2012 at 8:00 p.m. [as stated in the Charter].

ORDINANCE NO. 8919-11, 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 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: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Batten to place Ordinance No. 8919-11 on third and final reading and passed.

Mr. Gambosi explained this was the final for the year 2011, which included the retro pays from the union negotiations, grant items and health insurance fund.

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

ORDINANCE NO. 8920-11, an ordinance authorizing the City Manager to execute a Memorandum of Understanding with the Village of Oakwood and the Village of Walton Hills (collectively referred to as "Parties") and declaring an emergency was read by title only.

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

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

Motion made by Koci and seconded by Zolata to place Ordinance No. 8920-11 on third and final reading and passed.

Mr. Schuman explained the FCC issued new federal regulations regarding narrow banding which required the City to purchase a new radio repeater for the dispatch services. He noted the new radio repeater would be located on the tower in Bedford and the costs would be split evenly between the Village of Oakwood, the Village of Walton Hills and the City of Bedford.

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

ORDINANCE NO. 8921-11, an ordinance authorizing the City Manager to enter into a contract with O. P. Aquatics 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: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Batten and seconded by Zolata to place Ordinance No. 8921-11 on third and final reading and passed.

Mr. Schuman explained the Department of Justice implemented this new regulation requiring operators and owners of municipal pools to provide a means of entry into the pool for the handicap.

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

ORDINANCE NO. 8922-11, an ordinance authorizing additional work for the Adams Street and Woodrow Avenue Improvements 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: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Pozar to place Ordinance No. 8922-11 on third and final reading and passed.

Mr. Schuman explained the project had become more extensive than originally considered so there needed to be additional work regarding the curbs. Mayor Pocek pointed out the Ordinance should be 8922-11 and not 8822-11 as stated on the legislation and the Clerk would make the correction. Mr. Saunders mentioned the construction in this area was an asset in the Presidential area.

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

Motion made by Batten and seconded by Saunders to amend and accept the Capital Disposal Policy. Mr. Schuman explained this policy allowed the City of dispose of its capital assets and now the City would be able to use broker price opinions to determine the fair market value of any property the City would purchase or sell.

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

Motion made by Koci and seconded by Mizsak to establish that Council would not schedule any Council Meetings if they fell on a Monday on a federal holiday listed as: Martin Luther King, President's Day and Labor Day and the meeting would be rescheduled for the following Tuesday. [Note: the Planning Commission Meeting would have to be rescheduled.]

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

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

Kathy Williams 491 Lamson noted a pair of tennis shoes had been thrown over the electrical line on Ellenwood Avenue and asked who was responsible to remove them. Mr. Schuman replied CEI was responsible for the removal. Ms. Williams requested the City address her complaint.

Mr. Dick Bender, 69 Wandle Avenue asked when the Nativity scene was going to be displayed. Mayor Pocek said it would be addressed.

Jim O'Neil, 155 Gould Avenue referred to the recent employee that got fired and wanted to know how a resident could find out the information if there were any charges or if this was a matter for the FBI and if there was federal money involved. He also referred to his favorite inspector, Mr. McReynold, which was a previous employee that had been fired 1 ½ years ago and pointed out nobody heard anything about the results. Mr. Schuman replied there was federal money involved from HUD and the Neighborhood Stabilization Policy. He stated Mr. Seyboldt was fired by Mr. Angelo for essentially mishandling the housing program. He noted there was a current ongoing investigation which he would not comment on and that matter would be resolved by the Cuyahoga County Prosecutors. He said when the time was right the City would comment. He stated the City would not comment on any ongoing investigation. Mr. O'Neil then asked about the termination of Mr. McReynold. Mr. Schuman informed Mr. O'Neil that Mr. McReynold had resigned. Mayor Pocek commented this was a personnel issue. Mr. Schuman explained personnel issues were discussed with Council in Executive Session, which the City was permitted to do. He told Mr. O'Neil when the investigation was concluded he could submit a public records request and he would be provided with all the documents. Mr. O'Neil said Channel 3 News said "the gentlemen" was fired with no reason. Mr. Schuman stated he spoke to Channel 3 and he gave the same statement he just gave Mr. O'Neil. Mr. O'Neil replied, which means "nothing". Mr. Schuman replied that was his duty as the Law Director. Mr. O'Neil stated if he wanted to really find out then he needed to go somewhere else. Mr. Schuman reiterated that it was an ongoing investigation and the City did not know the results but when it was concluded people would be made aware of it.

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

Meeting adjourned at 8:35 P.M.

#5 Bedford, Ohio December 19, 2011

Clerk of Council

Mayor – President of Council