

**COUNCIL WORK SESSION  
MONDAY, FEBRUARY 1, 2010**

**6:00 P.M. PROMPT**

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**DINNER AT 6:00 P.M.  
PROVIDED BY MAYOR POCEK**

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- DISCUSSION OF AGENDA
- PLANNED PARENTHOOD – GREG POZAR
- BUDGET SHORTFALL – WARNER BATTEN
- DISCUSSION AMONG COUNCIL WITH CITY MANAGER – “GO AROUND”
- **EXECUTIVE SESSION** – Personnel –Finalize Charter Review Commission and Board Member Appointments, Fire Department

Bedford, Ohio

February 1, 2010

Bedford City Council met in a work session at Bedford City Hall on Monday, February 1, 2010 at 6:00 p.m.

Present: Council Members: Mayor Dan Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizsak, Greg Pozar, Don Saunders. Also Present: Clerk of Council Kathleen Lynch. Administration: Acting City Manager/Law Director Ken Schuman, Finance Director Frank Gambosi and Economic Development Director Mike Mallis.

The Mayor began the discussion of the Regular Meeting Agenda.

Mr. Schuman said Ordinance No. 8555-10 is the annual agreement the City has with Light of Hearts for senior services within the City.

Councilwoman Zolata asked what the amount of the agreement was. Mr. Schuman said not to exceed \$10,000 but it very rarely gets close to that amount. It is approximately \$100 per call.

Mr. Schuman said Ordinance No. 8556-10 is a three year contract with Mad Bomber for fireworks. They kept the same price the City had prior to cancelling in 2009 for the years 2010, 2011 and 2012. It will be payable at \$17,000 per year.

Councilwoman Zolata asked if the City could ask other Police Departments for help on that day. Mr. Schuman said no, not unless it is a mutual aid call.

Councilman Batten asked if a date had been picked yet. Mr. Schuman said Mr. Lewis would like to do it on Saturday, July 3.

Councilman Koci asked if the City had been in contact with Chanel High School to get their ok. Mr. Schuman said they called Chanel and were waiting on a call back.

The members of Council discussed having the fireworks on Saturday, July 3, 2010. All members were in agreement that this would be their first choice.

Mr. Schuman said Ordinance No. 8557-10 are for two staff vehicles in the Fire Department for the Chief and Assistant Chief. These were in the budget the last two years to be replaced but due to the financial issues the City was having were taken out. Mr. Gramovsky, one of the City's mechanics, said too much money is being put into these cars for repairs and it is necessary for these purchases.

Ordinance No. 8558-10 is to replace one police vehicle. Mr. Schuman said typically three cars per year are replaced but with the budget constraints only one would be purchased this year.

Items E through H on the Regular Meeting Agenda are all repairs for the City owned homes. There was no discussion on these items.

Mr. Schuman said Ordinances 8563-10 and 8564-10 both pertain to the home at 21 Jackson. The City was court ordered to clean the home, garage and vehicle of the owner. The property was assessed in the last meeting and these two ordinances are paying those individuals that helped the City with this.

Ordinance No. 8565-10 is the beginning process of the upgrades and closures of certain railroad closings in the City. Mr. Schuman said they are ready to begin the process, there will be a separate contract on the bridge tunnel at the W. Monroe Street crossing.

Councilman Batten asked about the homes the City is rehabbing. He asked if they are just using local contractors. Mr. Schuman said many local contractors are being used.

Councilman Batten asked about a letter he received from Helen Dardy, the Service Director's secretary, about the vacation match pay.

Mr. Schuman said she is not entitled to it. She only has 23 years of service and that is final.

Councilwoman Zolata asked about a home on Broadway. Mr. Schuman said it is going to be demolished. She asked about Lincoln and if there were anymore issues over there. Mr. Schuman said there have not been any issues recently.

Councilwoman Zolata asked about St. Mary's and if there had been any interest there. Mr. Schuman said Education Alternatives had expressed an interest but it is not zoned for a residential home. He said a Church from Solon was interested but that the Bishop was not willing to sell it to a Church.

Councilwoman Zolata asked about the marketing of the City, she believes expanding on the Hospital is important. She also asked about the stores in the City, there needs to be more business.

Councilwoman Mizzak asked if the residents had been notified about the power outage that will be occurring this week per First Energy in her ward. Mr. Schuman said yes.

Councilman Pozar asked what the status of the fence in the municipal parking lot was. Mr. Schuman said the Service Department will be doing the work but has had manpower issues with the weather.

Councilman Saunders has been receiving complaints about mailmen cutting through residents' yard in his ward. Another concern is the parking issue. They are parking on the street all day long, making it difficult in this weather for snow plows to get down the street. He would like to see a parking ban put in. He also asked about the list of registered snow plow drivers in the City. That needs to be monitored.

Mayor Pocek asked if the City is still using Auxiliary Police. Mr. Schuman said yes. Mayor Pocek said there needs to be a more concerted effort to drive through the neighborhoods, more visibility is needed.

Mr. Schuman will speak to Chief Duber.

Councilwoman Zolata said she would like to see a brochure done listing the City's services and programs available.

All discussion was concluded.

At this time, Bedford City Council and Administration went into an executive session to discuss Personnel – Finalize Charter Review Commission, Board Member appointments and the Fire Department.

Work Session was adjourned at 7:17 p.m.

  
Kathleen Lynn  
Clerk of Council

  
Paul S. Paul  
Mayor – President of Council

Councilman Batten asked what type of fence will be put up at the closures. Mr. Mallis said they are looking into various companies but are leaning toward black wrought iron. The costs to the City for all of the work being done will be close to \$100,000.

Councilman Batten asked if instead of a fence can pillars be used. Mr. Mallis said no, there cannot be any pedestrian crossing. He suggested asking Doty-Miller for a more specific rendering of the closures. Mr. Mallis and Mr. Cuini, the City's engineer, were out inspecting the areas and the sidewalk on Powers will need to be replaced.

Councilman Saunders asked if the Ohio Rail Commission has been in touch with the Federal Rail Commission. He has heard that the new railway from Chicago, Cleveland to Pittsburgh will be traveling through here and if that happens all of these new upgrades would be torn out.

Mr. Schuman has not heard any of that but will double check with them. The upgrades will need to be done prior to the closures taking place.

Mr. Mallis said they want to move quickly on this project and it is anticipated that this will be bid in the early Spring.

The next item on the Work Session Agenda was the discussion of Planned Parenthood per Councilman Pozar's request.

Councilman Pozar asked Mr. Schuman if he had received any information from Mr. Seyboldt on the inspections taking place at Planned Parenthood. Mr. Schuman said they do an inspection one time per year but he will touch base with him to get more specifics.

Councilman Pozar asked how the numbers of abortions that were taking place there are being reported to the City. At this time, Councilman Pozar distributed a packet of information to each member of Council. There is a group, Democrats for Life, that are looking into how each abortion clinic is reporting their numbers to make sure they're in full compliance.

Councilwoman Mizsak asked if the Board of Health gives the City reports. Mr. Schuman said Mr. Seyboldt gets those reports.

There was no further discussion on this matter.

The next item on the Work Session Agenda was the Budget Shortfall per Councilman Batten's request. This item was removed.

At this time, members of Council were given the opportunity to discuss any concerns with Mr. Schuman.

Mayor Pock said the repair of Rockside Road will not begin until the fall. He is meeting with the members of the Automobile about this and has spoken to the County Engineer.

Councilwoman Zolata asked what the average life of a street was. Mr. Schuman said 10 years for an asphalt street and 20 to 25 years for a concrete street.

Discussion took place on the possibility of bonding out for streets in the future.

Councilman Koci said there was an incident at Safely Home on Solon Road. A 17 year old got into a fight with a staff member. He asked if that individual would be going to Court. Mr. Schuman said because he is 17 years old, it was sent directly to Juvenile Court and that this individual will not be able to return to Safely Home.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

- a. Approval of Minutes of the Work Session of January 11, 2010
  - b. Approval of Minutes of the Work Session of January 18, 2010
  - c. Approval of Minutes of the Regular Meeting of January 18, 2010
  - d. Approval of Minutes of the Work Session of January 25, 2010
  - e. Approval of Minutes of the Work Session of January 26, 2010
  - f. Approval of Minutes of the Work Session of January 27, 2010.
- K+Z → all  
 M+P → all  
 Z+K → all  
 S+P → all  
 B+Z → all  
 MTS → all

5. REPORTS

- a. City Manager / Law Director - No
- b. Finance Director - NO
- c. Council Reports - No

6. NEW BUSINESS

- group
- ~~X~~ Ordinance No. 8555-10, authorizing the City Manager to enter into an agreement with Light of Hearts
  - ~~X~~ Ordinance No. 8556-10, authorizing the City Manager to enter into a 3 year contract with Mad Bomber Fireworks Production, Inc.
  - ~~X~~ Ordinance No. 8557-10, authorizing the purchase of 2 staff vehicles for the Fire Department (\$57,428.60)
  - ~~X~~ Ordinance No. 8558-10, authorizing the purchase of 1 police package vehicle for the Police Department (\$22,600.00)
  - ~~X~~ Ordinance No. 8559-10, authorizing the City Manager to enter into a contract with All Phase Service Company for various repairs at 97 Flora (\$2,150.00)
  - ~~X~~ Ordinance No. 8560-10, authorizing the City Manager to enter into a contract with Complete Lawn & Yard Service for landscaping at 97 Flora (\$500.00)
  - ~~X~~ Ordinance No. 8561-10, authorizing the City Manager to enter into a contract with All Phase Service Company for various repairs at 324 Paul (\$1,575.00)
  - ~~X~~ Ordinance No. 8562-10, authorizing the City Manager to enter into a contract with All Phase Service Company for various repairs at 9 W. Interstate (\$2,150.00)
  - ~~X~~ Ordinance No. 8563-10, authorizing the City Manager to enter into a contract with Andrews Door Service & Home Improvement for removing and disposing of garbage and debris from 21 Jackson (\$9,725.00)
  - ~~X~~ Ordinance No. 8564-10, authorizing the City Manager to enter into a contract with Complete Lawn & Yard Service for removing and disposing of garbage and debris from 21 Jackson (\$950.00)
  - ~~X~~ Ordinance No. 8565-10, authorizing the City Manager to enter into an agreement with PUCO, ORDC, CCRR and WLE

HEARING OF CITIZENS

8. ADJOURNMENT

Bedford, Ohio

February 1, 2010

Bedford City Council met in regular session at Bedford City Hall on Monday, February 1, 2010. Mayor Pocek called the meeting to order at 8:01 P. M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata.

Motion made by Koci seconded by Zolata to approve the minutes of the Work Session of January 11, 2010. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Pozar to approve the minutes of the Work Session of January 18, 2010. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Koci to approve the minutes of the Regular Meeting of January 18, 2010. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Pozar to approve the minutes of the Work Session of January 25, 2010. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Batten seconded by Zolata to approve the minutes of the Work Session of January 26, 2010. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Saunders to approve the minutes of the Work Session of January 27, 2010. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: Motion carried unanimously.

No report from the City Manager.

No report from the Finance Director.

No report made by any member of Council.

Motion made by Pozar seconded by Batten to group Ordinances 8559-10, 8560-10, 8561-10 and 8562-10. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 8555-10**, an ordinance authorizing the City Manager to enter into an agreement with Light of Hearts Villa and declaring an emergency was read by title only. Motion made by Zolata seconded by Mizensak to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to place Ordinance No. 8555-10 on third and final reading and passed.

Mr. Schuman said this is an annual contract the City does every year. It is not to exceed \$10,000 per year, and it very rarely even gets close to that number.

Councilwoman Zolata said the services Light of Hearts provides to the seniors in the community are superb.

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

**ORDINANCE NO. 8556-10**, an ordinance authorizing and directing the City Manager to enter into a three year contract for the years 2010, 2011 and 2012 with Mad Bomber Fireworks Production, Inc. with informal bidding for the 4<sup>th</sup> of July fireworks display in the City of Bedford and declaring an emergency was read by title only. Motion made by Batten seconded by Mizsak to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Batten, Koci, Mizsak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Saunders to place Ordinance No. 8556-10 on third and final reading and passed.

Mr. Schuman said although the City cancelled fireworks, Mad Bomber agreed to the same price the City had for the next three years. The City did pay Mad Bomber the appropriate cancellation fee and Mad Bomber told Mr. Schuman they will add extras to this year's show because of that.

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

**ORDINANCE NO. 8557-10**, an ordinance authorizing the purchase of two (2) 2010 Chevrolet Tahoe SSV Staff Vehicles for the Fire Department through the US Government GSA Auto Choice Contract 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: Batten, Koci, Mizsak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Batten to place Ordinance No. 8557-10 on third and final reading and passed.

Mr. Schuman said these are two vehicles that will replace the vehicles for the Fire Chief and Assistant Fire Chief. They are replacing a 1999 Blazer and 2001 Dodge Durango. Rick Gramovsky, the head mechanic, indicated that these vehicles were in deplorable condition and the City was spending quite a bit of money to continue to repair them. These items have been in the budget the last two years but were taken out due to the budget crisis but at this point these vehicles need to be replaced.

Councilman Koci said the one vehicle is so old he used it when he was on the department and he will be retired almost 11 years.

The Mayor said if Mr. Gramovsky says they need to be replaced then they do.

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

**ORDINANCE NO. 8558-10**, an ordinance authorizing the purchase of a 2010 Dodge Charger Police Package Vehicle through the State Cooperative Purchasing Contract from Bob Caldwell Chrysler 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: Batten, Koci, Mizsak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Batten to place Ordinance No. 8558-10 on third and final reading and passed.

Mr. Schuman said this is replacing a 2007 Dodge Charger. Normally the City replaces three cars a year but due to the budget crisis that is why only one is being replaced. These are high mileage cars.

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

**ORDINANCE NO. 8559-10**, an ordinance authorizing the City Manager to enter into a contract with All Phase Service Company to make various repairs to the residence at 97 Flora in the City of Bedford and declaring an emergency was read by title only.

**ORDINANCE NO. 8560-10**, an ordinance authorizing the City Manager to enter into a contract with Complete Lawn & Yard Service for landscaping services at the residence at 97 Flora in the City of Bedford and declaring an emergency was read by title only.

**ORDINANCE NO. 8561-10**, an ordinance authorizing the City Manager to enter into a contract with All Phase Service Company to make various repairs to the residence at 324 Paul Street in the City of Bedford and declaring an emergency was read by title only.

**ORDINANCE NO. 8562-10**, an ordinance authorizing the City Manager to enter into a contract with All Phase Service Company to make various repairs to the residence at 9 West Interstate in the City of Bedford and declaring an emergency was read by title only.

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

Motion made by Mizensak seconded by Pozar to place Ordinance No. 8559-10, Ordinance No. 8560-10, Ordinance No. 8561-10 and Ordinance No. 8562-10 on third and final reading and passed.

The Mayor said these are the City's homes they are rehabilitating.

Councilman Saunders said it appears that heating cables are being put in all the gutters. He asked if this is necessary.

Mr. Schuman does not know which houses had that was done. He will talk to Mr. Seyboldt.

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

**ORDINANCE NO. 8563-10**, an ordinance authorizing the City Manager to enter into a contract with Andrews Door Service & Home Improvement for removing and disposing of garbage and debris from the interior of the house, garage and vehicle located at 21 Jackson Street in the City of Bedford 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: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Mizensak to place Ordinance No. 8563-10 on third and final reading and passed.

Mr. Schuman said the City of Bedford performed this work on an emergency basis. A company had to be hired to do the inside and a company to do the outside of the house. There was 30 tons of garbage and debris in the house, there was no plumbing. It was a safety hazard. The City has already assessed the property. The City was under a court order to do this.

Mr. Schuman said this applies to the next ordinance as well

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

**ORDINANCE NO. 8564-10**, an ordinance authorizing the City Manager to enter into a contract with Complete Lawn & Yard Service for removing and disposing of garbage and debris from the interior of the house, garage and vehicle located at 21 Jackson Street in the City of Bedford 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: Batten, Koci, Mizsak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Saunders to place Ordinance No. 8564-10 on third and final reading and passed.

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

**ORDINANCE NO. 8565-10**, an ordinance authorizing the City Manager to enter into an agreement with the Public Utilities Commission of Ohio (“PUCO”), Ohio Rail Development Commission (“ORDC”), Cleveland Commercial Railroad (“CCRR”) and Wheeling Lake Erie Railway Company (“WLE”) 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: Batten, Koci, Mizsak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Mizsak seconded by Pozar to place Ordinance No. 8565-10 on third and final reading and passed.

Mr. Schuman said this is regarding the upgrades to railroad tracks and the closures of the other tracks. This project should be bid late spring or summer. The goal is to finish it by the end of the year.

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

Mayor Pocek stated there will be a Council only Executive Session after the Council Meeting for personnel decisions.

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

Dick Bender, 69 Wandle, asked if it made any sense to put that amount of money into the home at 21 Jackson.

The Mayor said the City was ordered by the Court to do it and had no choice.

Mr. Schuman said the house is in horrible shape. Mr. Bender would have thought demolition was appropriate.

Mr. Schuman and Mr. Seyboldt have talked about the house, but no decisions have been made yet. This might be a house the City tries to buy for \$1 and put some money into it and recoup those costs. The chances of it selling for the amount of money the City has put in it already is not good.

Mr. Bender asked about the status of the Quiet Zone application. Mr. Schuman said all of the City's applications are in and the City is just waiting to hear from the Federal Rail Commission and that could be up to a year before a decision is made.

The Mayor said this process began in 2001. The City was told to purchase and install certain delineators and they are in the Service garage. The City will deal with the Federal Government until there is an answer. It is not from a lack of trying.

Tim Tench, 286 Marion, thanked the Mayor for his kind words about Rick Gramovsky, he is friend of Mr. Tench. Mr. Tench said with the reinstatement of the fireworks, in light of the incidents in 2008, he is trusting that Council is looking to schedule this event so Bedford is not the only City having fireworks.

Mayor Pocek said that was discussed tonight in Work Session.

Councilwoman Zolata asked Mr. Tench about the High School's Senior Valentine Party. Mr. Tench said it is February 13, 2010. Mr. Tench said the School Board will be meeting on Thursday evenings now.

Councilman Pozar said at the last Council meeting he deferred his comments to the Hearing of the Citizens portion but then the Mayor did not call on him. Mr. Pozar would like to bring in a Martin Luther King comment today.

Councilman Pozar gave a speech about Martin Luther King, hard copy on file in the Clerk's office.

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

Meeting adjourned at 8:30 P.M.

  
Clerk of Council

  
Mayor – President of Council