

**COUNCIL WORK SESSION
MONDAY, JANUARY 17, 2011**

6:45 P.M. PROMPT

- DISCUSSION OF AGENDA

- EXECUTIVE SESSION – Personnel

Bedford City Council met in a work session at Bedford City Hall on Monday, January 17, 2011 at 7:00 p.m.

Present: Council Members: Mayor Dan Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizensak, Greg Pozar, Don Saunders. Also Present: Clerk of Council Kathleen Lynch. Administration: City Manager Henry Angelo, Law Director Ken Schuman and Finance Director Frank Gambosi.

The Mayor began the Work Session with discussion of the Regular Meeting Agenda.

Mr. Schuman said after a meeting with Tom Speaks of the Impact Group, the amendments to the service agreement are all agreed upon. Therefore, the ordinance can be passed.

Mr. Gambosi said Ordinance No. 8784-11 is to purchase the color copier for City Hall that he spoke about at the last meeting. The cost is \$6,986.00. The old copier will go to the Service Department.

Mr. Schuman said Ordinance No. 8785-11 is the yearly contract the City does with Light of Hearts Villa for senior services. Mayor Pocek said the Board contacted him and they are discussing not having contracts for these service, because it should really be covered through their ministry. Mayor Pocek said until that decision is reached this ordinance should be put on first reading.

Mr. Angelo said Ordinance No. 8786-11 and 8787-11 are both for additional work required outside of the original proposal at 741 Washington. The sub-floors are not good and there are additional plumbing issues. This is one of the four houses the City has grant money to rehabilitate through the NSP.

Councilman Pozar asked how much money was invested in 741 Washington. Mr. Gambosi said with the purchase of the property and the renovations, to date \$159,000.

Mr. Schuman said Ordinance No. 8788-11 is for the continued membership in the Ohio Municipal League self-insurance pool and is a 38 month agreement. Mr. Schuman said the City has a great relationship with the OML and Debbie in particular does a great job dealing with the claims. She has a system in place and works with the OML directly.

Mr. Schuman said this is very effective and the OML will be in the black this year. There are a good core group of cities that are a part of this. Mr. Schuman is now the President of the insurance pool.

Councilman Pozar said if a new city joined would formulas then need to be recalculated. Mr. Gambosi said yes it could.

Mr. Gambosi said Debbie, his secretary, took a gentleman around the city a few weeks ago and the City received an additional discount for this. Debbie takes the initiative and handles most of the claims on her own until further information is needed.

Mr. Schuman said the City's loss ration last year was under \$30,000 and that number is almost unheard of and Debbie should be commended on that. Most of the claims involve automobiles or people falling on City property, etc.

Mr. Angelo said Ordinance No. 8789-11 is for the new water bills that will issued beginning in February.

Mr. Gambosi said Ordinances 8790-11 through 8794-11 were discussed last week. These are all concerning time and material for the computer upgrades. The first four ordinances are with Simplex IT, who will be configuring, installing and rebuilding the system. The last ordinance is for training on the new system and software through Devore Technologies.

Discussion of the regular meeting agenda concluded.

At this time, Bedford City Council and Administration went into an executive session to discuss Personnel issues.

Work Session was adjourned at 7:35 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 January 3, 2011
- b. Approval of Minutes of the Regular Meeting of January 3, 2011

5. OLD BUSINESS

- a. Ordinance No. 8783-11, authorizing the City Manager to execute amendments to the Service Agreement between the City of Bedford and the Impact Group for the City website – 1st reading 01/03/11

6. REPORTS

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

7. NEW BUSINESS

- ~~a.~~ Ordinance No. 8784-11, authorizing the purchase of a Ricoh Aficio MPC3001SP Color Copier/Scanner/Printer (\$6,131.00) ~~(6,980.00)~~
- ~~b.~~ Ordinance No. 8785-11, authorizing the City Manager to enter into an agreement with Light of Hearts Villa for calendar year 2011 for senior services (\$10,000.00)
- ~~c.~~ Ordinance No. 8786-11, authorizing the City Manager to enter into a contract with Lewis Development & Maintenance Company for various repairs at 741 Washington (\$3,120.00)
- ~~d.~~ Ordinance No. 8787-11, authorizing the City Manager to enter into a contract with Northeast Ohio Training Agency for various repairs at 741 Washington (\$1,700.50)
- ~~e.~~ Ordinance No. 8788-11, authorizing the continued membership in the Ohio Municipal League joint self-insurance pool
- ~~f.~~ Ordinance No. 8789-11, authorizing the City Manager to enter into an agreement with SmartBill, Ltd.
- ~~g.~~ Ordinance No. 8790-11, authorizing the City Manager to enter into an agreement with Simplex IT, LLC for the rebuilding, installing and configuring of work stations (not to exceed \$22,660.00)
- ~~h.~~ Ordinance No. 8791-11, authorizing the City Manager to enter into an agreement with Simplex IT, LLC for the establishment of City email addresses (not to exceed \$5,445.00)
- ~~i.~~ Ordinance No. 8792-11, authorizing the City Manager to enter into an agreement with Simplex IT, LLC for the reconfiguration of the City's computer hardware system (not to exceed \$1,760.00)
- ~~j.~~ Ordinance No. 8793-11, authorizing the City Manager to enter into an agreement with Simplex IT, LLC for installation of an email server (not to exceed \$8,800.00)
- ~~k.~~ Ordinance No. 8794-11, authorizing the City Manager to enter into an agreement with DeVore Technologies for training the City's employees on new computer system (not to exceed \$4,400.00)

8. HEARING OF CITIZENS

9. ADJOURNMENT

PLEASE TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING
(council minutes and agenda posted at www.bedfordoh.gov)

Northfield Rd. Bridge sidewalks

Bedford, Ohio

January 17, 2011

Bedford City Council met in regular session at Bedford City Hall on Monday, January 17, 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: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar.

Motion made by Koci seconded by Mizesak to approve the minutes of the Work Session of January 3, 2011. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Batten seconded by Zolata to approve the minutes of the Regular Meeting of January 3, 2011. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8783-11, an ordinance authorizing the City Manager to execute amendments to the Service Agreement between the City of Bedford and the Impact Group Public Relations/Marketing Communications, Inc. (“Impact Group”) and declaring an emergency placed on first reading January 3, 2011 was read by title only. Motion made by Zolata seconded by Koci to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizesak to place Ordinance No. 8783-11 on third and final reading and passed.

Mr. Angelo said this is the company that is working with the City on the new website. There will be major changes. The last website was done nine years ago and the life of a website does not run nine years.

Councilman Koci asked Mr. Angelo what the status was of the website.

Mr. Angelo said there have been a number of meetings and what is important about getting this contract passed is Impact is working on it and have not been able to get paid. Whatever happens with the website, the City owns the content and how it works.

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

No report from the City Manager.

No report from the Law Director.

Mr. Gambosi said the forms will be on the internet soon for taxes. There were a couple of minor changes. A letter will go out to the public stating the City will not send out the forms but will have them available at city hall and the library.

Mayor Pocek said the State of the City will be this Wednesday, January 19 at noon at Catered Elegance. Tickets are available through the Chamber of Commerce if anyone is interested. The Mayor will be out of town for a meeting with the National League of Cities in Washington, D.C. Therefore, Vice Mayor Koci will fill in for him.

The Mayor said the Ward Meetings will be held on March 28 for Wards 1 & 2; April 11 for Wards 3 & 4; and April 25 for Wards 5 & 6. Through a suggestion from Councilman Pozar, the City is going to reach out to the new County Council President, as well as State Representative Budish and State Senator Turner.

Mayor Pocek said this weekend was probably one of the saddest he has experienced as Mayor of the City of Bedford. In his official duties, as well as a friend, there were six funerals. Mayor Pocek offered his condolences to retired Fire Chief Duber on the loss of his uncle. He lost a very important person in his life, and that was Claude Weagraff. He passed away last Wednesday in Pennsylvania where he was in a nursing home. The wake was this weekend. Mr. Weagraff was his first boss, as the principal of the school the Mayor taught at. The Mayor and his wife developed a very close personal bond with him. Mayor Pocek said when he first became a teacher he was called into the principal's office and Mr. Weagraff looked at him and said "You're a Democrat and I'm a Republican; you're a Catholic and I'm a Methodist; you drive a Chevrolet and I drive a Ford." The Mayor walked out of his office and thought what had he gotten himself into. However, Mr. Weagraff turned out to be one of the finest human beings he has ever met and had a lot of influence on him. He always told the Mayor to be firm, fair and friendly with his students, he was a great man. After leaving teaching to go into government and politics, Mr. Weagraff continued until his retirement. In the spring of 1997, Mr. Weagraff came to talk to him about running for the Board of Education. The Mayor and his wife began the campaign and got him elected to the School Board. In 2000, when he ran for Mayor, Mr. Weagraff became his campaign treasurer. He was fine human being and will be sorely missed.

Councilwoman Zolata said there has been a lot of talk the last couple of weeks about civility. The members of this Council and Administration have always exercised civility towards each other. The civility issue was brought up in our City, and because of that the ministers group that was formed, initiated by Mayor Pocek, focuses on civility primarily in the schools. This has been suggested by our President but the City of Bedford has been working on it for awhile.

Mrs. Zolata introduced Sylvia Heller in the audience. Ms. Heller is working on a mural for the VFW, and it will go on the side of the building. Ms. Heller is our resident artist and is working on the panel in her studio on Northfield Road. It will be a beautiful recognition of our service people.

Councilwoman Mizensak said the culling of the deer in the Metroparks will start soon. They will notify the residents when it begins.

Councilman Pozar said on April 3, 1968 Martin Luther King addressed the nation with the same message that Councilwoman Zolata just alluded to; one of civility, brotherhood, color blindness and a universal message of love. Today we celebrate Martin Luther King's birthday, but he can't help to think what he suggested happen is almost an impossible task in this day and age. The political divide is getting wider and wider. He thinks it is because most of us have been "hood-winked" about which party we come from and what the mission truly is. This nation is on a decline and will be until it discovers that we are not members of any party but we are Americans. We should be looking first and foremost to the document that our Country was founded upon, the Constitution, to see whether or not there is legitimacy to some of these laws being passed upon us. Mr. Pozar said at this level we can control it and question it and do something about it. He thanked everyone in attendance at the meeting because in your own way you do something about it and carry a message out of here. When it comes to our County and State, he believes it would be a good idea to invite our elected representatives here to tell them first and foremost we are Bedfordites, Americans and non-partisan and looking to them to do the right thing. These members of Council try on a daily basis to do the right thing on behalf of the people and budget, while trying not be too partisan. Councilman Pozar said the longer this goes on the more he personally is discouraged whether or not there is a way to fix this mess. Mr. Pozar is speaking for his family and friends for the most part, but wanted to send the message that Martin Luther King put out there.

Councilman Saunders offered his condolences to the family of Claude Weagraff. He remembers the first time he ran for Council, Mr. Weagraff lived in Ward 6 and he spent three hours at his house talking to him. He thanked UH-Bedford Medical Center for cleaning their sidewalks, they have one of the largest amounts of sidewalks and they do it after every snow. If a business like that can keep their sidewalks clean some of the other businesses can do the same. There are far too many children walking in the streets because of this. Some of our residents do not do their sidewalks either. A sense of pride in our community needs to be instilled in some of our newer residents.

Mr. Saunders has received two calls in the last week from residents about the Northfield Road bridge. He asked who is responsible for cleaning the sidewalks of the bridge. He knows the County has an agreement to plow it, but doesn't think they will come back to do the sidewalks.

Councilman Koci said the County has been out there with a small front end loader, but he has only seen that done once. Councilman Saunders said there are too many people walking in the road on the bridge and residents are really concerned about this. It is a hazard and asked that this be looked into further.

Mayor Pocek commented on what Councilwoman Zolata and Councilman Pozar spoke about, civility. The Mayor ran for 2nd Vice President of the National League of Cities this past December and that was the foundation of his campaign. Some excerpts from his speech discussed the past election cycle, and saw the crossing of the boundary of every human decency. The art of compromise is being lost and the only way this can be changed is to talk to our state and federal candidates. Their elections occur in our towns and villages. There is a further division in this country with the middle practically wiped out. He and his wife attended a testimonial for, now retired, Senator Voinovich who had a very distinguished career. The Senator said of the three jobs he held, Mayor, Governor and Senator; he least liked being Senator. When he arrived in Washington, D.C. it was during the Impeachment of President Clinton. He said after sitting through the trial, you dealt with the other issues going on in the country and Trent Lott and Tom Daschel disappear and work out a compromise. Senator Voinovich said today it is total polarization, and his comment "I fear for our Country".

Councilwoman Zolata asked if they could initiate a resolution to encourage other cities to pass something similar. Mayor Pocek said when he left the floor at the NLC meeting, Sue Cave, the Executive Director of the Ohio Municipal League was profoundly moved. She is approaching the Ohio Municipal League to adopt a resolution in support of the cause of civility and campaign election reform. That is going to happen sometime this month or next month, with the idea to reach out to surrounding states and then formalize a resolution to the NLC to make it part of their program.

Motion made by Saunders seconded by Pozar to group Ordinances 8790-11, 8791-11, 8792-11 and 8793-11. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Mizsak to amend Ordinance No. 8784-11 to reflect the new amount of Six Thousand Nine Hundred Eighty Six Dollars (\$6,986.00). The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8784-11, an ordinance authorizing the purchase of a Ricoh Aficio MPC3001SP digital color copier/scanner/printer from Ace Business Solutions 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: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Batten to place Ordinance No. 8784-11 on third and final reading and passed.

Mr. Gambosi said since April he has been looking at different copiers and solutions. The old copier will go to the Service Department.

Councilman Saunders asked if this would be networked into the new computer system to hopefully save more on printer ink and desktop printers. Mr. Gambosi said absolutely.

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

ORDINANCE NO. 8785-11, an ordinance authorizing the City Manager to enter into an agreement with Light of Hearts Villa for calendar year 2011 and declaring an emergency was read by title only. Motion made by Koci seconded by Zolata to place Ordinance No. 8785-11 on first reading. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8786-11, an ordinance authorizing the City Manager to enter into a contract with Lewis Development & Maintenance Company to make various repairs to the residence at 741 Washington Street in the City of Bedford and declaring an emergency was read by title only. Motion made by Pozar seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Batten to place Ordinance No. 8786-11 on third and final reading and passed.

Mr. Angelo said this is for additional work to be done at 741 Washington Street, outside the original scope of work. They found the structures of the floors were not sufficient, and more work was needed. This is an additional cost to the original.

Councilman Pozar said in this effort it was an abysmal waste of money, it was to the City's credit to take advantage of what was available, i.e. the \$500,000 NSP grant. In this home, unfortunately, the City has invested twice what it could ever sell it for but it didn't matter to the system how efficient it was. It just mattered to get the money out and get in the neighborhoods. The whole method by which this happens needs to be reviewed, it is a terrible waste. The City has no choice but to continue, and it is not our money.

Mayor Pocek said the City wants a sound structure when it is sold.

Mr. Angelo said the City is revamping how this program is done. The concern is what Councilman Pozar indicated, a lot of money is going into a few homes. The concern is money can be spread out a little further. However, at this point there is "x" amount of money in this house and there are some other things that have to be done that was not foreseen. To walk away and not fix it would not be a good idea.

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

ORDINANCE NO. 8787-11, an ordinance authorizing the City Manager to enter into a contract with Northeast Ohio Training Agency to make various repairs to the residence at 741 Washington Street in the City of Bedford and declaring an emergency was read by title only. Motion made by Mizsak seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Mizsak to place Ordinance No. 8787-11 on third and final reading and passed.

Mr. Angelo said this again is for the resident on Washington, and it is plumbing work that needs to be done.

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

ORDINANCE NO. 8788-11, an ordinance amending Ordinance No. 6427-93 as subsequently amended to provide for continuing membership in the Ohio Municipal League joint self-insurance pool, providing payment therefore and declaring an emergency was read by title only. Motion made by Saunders seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to place Ordinance No. 8788-11 on third and final reading and passed.

Mr. Schuman said this is for the City's property and casualty insurance. The City is self-insured and has been with the Ohio Municipal League since 1988 and has always had a very good relationship with them. This is a three year agreement. Mr. Schuman and Mr. Gambosi meet with the OML and the three year agreement is normally the cheapest, and it is in this case. It is a little bit more than last year because now all members will expire on April 1, not on various expiration dates. It is essentially a 38 month agreement.

Mr. Schuman said this is for automobile insurance, public liabilities insurance and those types. Last year's claims were in the amount of \$27,000.00.

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

ORDINANCE NO. 8789-11, an ordinance authorizing the City Manager to enter into an agreement with SmartBill, LTD. ("Company") 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 ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizsak seconded by Pozar to place Ordinance No. 8789-11 on third and final reading and passed.

Mr. Angelo said the face of the utility bill will be changing. In May, the Post Office is requiring an intelligent mail bar code. The system we currently have with the small post cards does not support that technology. The City has explored what others are doing and bids were brought in from various companies. This group, SmartBill, will enable the City to do a full 8 ½ by 11, a community message can be put on it, and in coming months the water usage will be on the bill. The idea is that not only will you receive a bill but will receive information. With no newspaper, there will be a community section or put in inserts. It is a good way for the City to get information out.

Councilwoman Zolata asked if facilities such as Light of Hearts will receive a water bill with the community information on it. Mr. Angelo said yes. She asked if they could make copies of the community news portion of the bill for their residents. Mr. Angelo said yes.

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

ORDINANCE NO. 8790-11, an ordinance authorizing the City Manager to enter into an agreement with Simplex IT, LLC for the rebuilding, installing and configuring of work stations with software and declaring an emergency was read by title only.

ORDINANCE NO. 8791-11, an ordinance authorizing the City Manager to enter into an agreement with Simplex IT, LLC for the establishment of City email addresses and declaring an emergency was read by title only.

ORDINANCE NO. 8792-11, an ordinance authorizing the City Manager to enter into an agreement with Simplex IT, LLC for reconfiguration of the City's computer hardware system and declaring an emergency was read by title only.

ORDINANCE NO. 8793-11, an ordinance authorizing the City Manager to enter into an agreement with Simplex IT, LLC for installation of an email server 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 ordinances on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Mr. Gambosi said the ordinances that were passed at the last Council meeting dealt with the software and hardware association of what the City is implementing to upgrade. These ordinances are for the company that is going to connect everything together, and will be our support staff for the next few years.

Mr. Angelo said the last time the computer system was upgraded was when the move to the new building took place in 2003. This upgrade is going a long way towards getting the City the latest technology. There will be a savings as everything will now be uniform and there is an IT review committee that has to approve all purchases to make sure they fit into the system. Mr. Angelo said Mr. Gambosi has been working very hard as to how the migration will work. It will be done in stages by department.

Motion made by Saunders seconded by Mizensak to place Ordinance No. 8790-11, Ordinance No. 8791-11, Ordinance No. 8792-11 and Ordinance No. 8793-11 on third and final reading and passed.

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

ORDINANCE NO. 8794-11, an ordinance authorizing the City Manager to enter into an agreement with Devore Technologies for training the City's employees on new software including Outlook 2010, Office 10 and Windows 2007 and declaring an emergency was read by title only. Motion made by Saunders seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Saunders to place Ordinance No. 8794-11 on third and final reading and passed.

Mr. Angelo said this is a joint contract with Devore Technologies and Simplex IT. Devore will be doing the training, and Simplex IT will do the installations. With this type of technology it is important to know how to use it. All employees will be involved in classes.

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

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

Jeanne Sapir, Southeast Branch Manager, 70 Columbus, wished everyone a Happy New Year. This is the seventh consecutive year that Cuyahoga County Public Library has set a new circulation record, in 2010 they exceeded 20 million items circulated. That comes to 38 items for each active, registered cardholder. Three branches reached the 1 million mark, and the Southeast Branch made almost a half million (a record for that branch). Ms. Sapir gave information on the continuing and upcoming programs at the library. The Cuyahoga County Library has received a grant from Connect Ohio to provide free, basic computer classes at several branches, including the Southeast Branch. The program is called Every Citizen Online and is a state program to help close the gap between those that don't know how to use a computer and those that do. There will be a series of three classes that will be repeated. She brought copies of the program guide and put them in the lobby.

Mr. Angelo asked how the library publicized that information. Ms. Sapir said there are a variety of ways including the Liberty News and Views, the Bedford Standard, the Chamber of Commerce and the Friends of the Library have a Facebook page. Mr. Angelo said the new utility bills will offer another opportunity for the library to publicize their information.

Pastor Karen Ulestad, 842 Northfield, is here to ask City Council to extend a moratorium on internet cafes that allow sweepstakes winnings or gaming awards. There is one already on Broadway called Broadway 320 Café. She understands the City is in need of businesses and applauds all efforts to bring in revenue. However, the affect these types of businesses have on individuals with limited financial means can be devastating. Through these many months of recession, the number of those with limited resources has been growing. The café on Broadway advertises free food and drinks. This tempts those that do not have great financial resources. This is the population the Southeast Clergy Council has been serving for over fifty years. They come to the hunger center to receive bags of food so their limited resources can be used towards rent and other life expenses. The temptation to win easy money is great, and yet as we well know not everyone wins. The temptation can have devastating results to families in need. The numbers continue to rise at the hunger center, especially in the last two years.

Pastor Ulestad said the Mayor and City Manager received a letter from Pastor Bartlett from South Haven United Church of Christ. She read some excerpts from the letter: from September to November there was an increase at the hunger center from 726 to 997 people served. Pastor Bartlett also said many of those individuals are struggling to pay rent, utilities and to provide for the basic needs of their families. Pastor Bartlett said in the letter he believes that the cafes would tempt those that can least afford to spend money.

Pastor Ulestad said in addition to offering free food and drinks, it poses a challenge to those that provide food at cost. This community has an admirable record of trying to help those in need. Allowing businesses that advertise easy money is not helpful. She asked the City to reconsider marketing to these types of organizations and impose a moratorium on all internet cafes.

The Mayor had conversations with Mr. Angelo about this issue and understands Pastor Ulestad's feeling on the issue and that of Rev. Boquist. The State of Ohio markets the Ohio Lottery extremely well and there are all types of lures out there. The City did this so there would be control. Mr. Angelo informed the Mayor earlier this evening about a conversation he had with a Police Chief in a different community.

Mr. Angelo said one of the reasons the City has the legislation is to prevent what is happening in Warren, Ohio. There are seven cafes and no regulations. The only regulations they have are amusement type which is only a \$50 permit fee. The City of Bedford's is \$5,000 every year; plus \$30 a month per machine. The City is very concerned where the locations are and there are two that have permits now. The second permit came in December and was supposed to be open in January. He received the letter from Pastor Bartlett and he tried to contact him. Mr. Angelo said in our regulations there are proximity to schools and churches. He met with Sr. Maria at Chanel High School and Mr. Micsak at Bedford Schools and both did not want the café to go in on Northfield. Mr. Angelo said the neighbors' consideration is taken into account. There was another one that was on the corner of East Grace and Broadway. He met with the two ministers near there, and the one church is closed and the other asked that it not be put there. Mr. Angelo did not allow it to go in because of the radius. At the same time, the City has to make sure if a business is coming into town that it is regulated somewhat. The regulations the City put in place are very stringent; there is no alcohol, no one under the age of 21; and they do provide free food. The current café on Broadway is getting their food from the plaza they are located in, so it is local.

Councilman Pozar said the basic question Rev. Ulestad asked is not being addressed. The location discussion misses the point, it is a tax on the willing. No matter where it is located, it is gambling and when times are hard people will go look for it. Now that there are cafes open here, the question was can the City put a moratorium on any further development of these types of establishments. Mr. Pozar asked if Mr. Schuman could explain.

Mr. Schuman said no, the City cannot put a moratorium on this type of business. This was an issue that came to the City a while ago and Council expressed a grave concern about these. It went to court and the court has ruled that they are legal and cities have no ability to zone them out. There was a recent court case, Councilman Saunders gave him the information, that cities do have the ability to regulate them. The City of Bedford has already done that and our ordinances are very stringent. The City has no legal ability to not allow these companies in the City unless the City wanted to get into a lawsuit. Mr. Schuman would never advise this Council to pursue that course at this point.

Rev. Doug Boquist, 249 Center and Pastor of the Church of the Nazarene, said his comments may be moot. He attended a Council meeting in the fall and was surprised that the restrictive ordinance was being debated, that three members of Council thought what was being debated was whether or not the City would allow these businesses into our community. So even City Council did not know this was the case. Rev. Boquist said one of his mentors when he was a young pastor gave him this advice, "a leader is going to have to make hard decisions and no matter what you do, you will not please everybody." He says the same to Council, it is great responsibility and he knows how seriously each member of Council takes that responsibility. His mentor went on to tell him that you have to let everyone speak, people don't have to have their way but they have to have their say. At the end of the day, a leader makes a decision and reasonable people, after they have had their say, may not agree with the decision but will accept it. Rev. Boquist said what concerns him is the process and how this can be discussed as a community. Nobody is debating that there are ramifications in the social fabric, and the diligence of Council wanting to fill up buildings and have revenue is commendable. Rev. Boquist mentioned several newspaper articles from the past few months concerning sweepstakes internet cafes.

Rev. Boquist said if there is an opportunity for the City to revisit this issue on a case by case basis it should be done, if it cannot than that is the law. The local residents need to heard on this issue, and the ministers group is one of those groups of constituents.

Mayor Pocek said there is no newspaper for the City and it is difficult to get the news out. Mr. Schuman said all of the cities that Rev. Boquist referred to in the newspaper articles have law directors he knows very well. They actually let internet sweepstakes cafes go in before the court had made a ruling. The City of Bedford absolutely prohibited them for a long period of time until the court case came out. When the court ruling said the cafes were legal, and in Mr. Schuman's opinion it is gambling but his opinion is irrelevant, cities have to allow them. That is when the City enacted legislation, still did not allow any sweepstakes cafes to come in. The City of Bedford's legislation was read over a period of six weeks, once at each meeting for three meetings. The meeting Rev. Boquist referred to there were some confusion on the part of Council and the only thing that was up that night was verbiage change in the ordinance. It had nothing to do with passing the ordinance to allow them. Mr. Schuman said if the City prohibited the sweepstakes cafes the City would be facing a lawsuit that cannot be won. Whether it is a revenue stream was irrelevant to the City.

Rev. Boquist said in an article the Garfield Heights Mayor said they will not put another sweepstakes café in their community without a townhall meeting in that neighborhood. Rev. Boquist asked if those cities that will not allow them in their communities are they in dangerous water. Mr. Schuman said in regard to the Garfield Heights issue, he would be interested to talk to their law director because he contacted Mr. Schuman for our ordinance. If Garfield Heights wants to have a townhall meeting, they can do that, but Mr. Schuman believes that is only trying appease the residents. Mr. Schuman said if the residents say no and Garfield Heights does not let them in, they could easily be sued. Whether or not the company would pursue that avenue is only speculation. Mr. Schuman would not advise that if he were their law director to prohibit it.

Rev. Boquist said the City enacted as tough as legislation as possible to hopefully discourage these businesses from coming into town. Mr. Schuman said no but the City made the ordinance stringent, legal and strictly enforced. Mr. Schuman said the City cannot create legislation that makes it so difficult that a business cannot come in the City. That would also pose a lawsuit.

Rev. Boquist said an article in the Akron Beacon Journal state that Summit County was sued by fifteen internet sweepstakes cafes over the illegality of the legislation. He said Summit County required a \$5,000 permit and \$200 per machine per six months. The representative for the café owners said that ordinance was trying to put them out of business. He asked what our restrictions are. Mr. Schuman said they are more stringent.

Mayor Pocek said the City is making money, but is not solving any problems from it. Mr. Angelo said there are restrictions in the zoning. It has to be in a commercial area, cannot be in the Historical District and cannot be within so many feet of a school, playground, or church. Our ordinance gives the Safety Director (City Manager) the authority to work with those involved. The City does a criminal background check and the amendment that went in said the software being used could not be proprietary.

Councilman Saunders said having been involved in the Summit County ordinance, because of his job in Northfield Center, the internet sweepstakes café owners wanted to do away with all regulations. They wanted to go by the State of Ohio's regulations. The court upheld everything except the insurance regulation because that was too restrictive. The court did emphasize the fact that you cannot prohibit them from going in but can regulate them reasonably. He understands the concerns of the ministers but right now cities are scurrying around to put regulations in. Once the casino comes into town, these will probably be gone.

Pastor Ulestad asked when the City cannot reject a request but the business comes to the church and asks if it is ok and the church says no, what is the church's legal implication. Mr. Schuman said the church can tell them whatever they want. She said if it is the City's regulation why are churches being approached. Mr. Schuman said in the City's ordinance they are prohibited within 500 feet of a church. They have the ability to locate there, but the City also has the ability to not allow them there. Pastor Ulestad asked if the church says no could it be held liable? Mr. Schuman said no.

Mr. Angelo said an example of this is the business that wanted to go in on E. Grace and Broadway. The gentleman that wanted to open the business was going to put in a buffer or hedging. There are three churches in that area and when it was presented to the churches, they did not want it.

Councilman Pozar said one of the things Rev. Boquist said were about the tough decisions that have to be made. He would like to point out to Council that in the early stages when these businesses first starting applying to come here this Council had a choice and could have said no. Although our Law Director said the City could easily be sued, he believes now a consortium could come here and present a good financial backing. However, if the City didn't let any in and if one individual was frustrated, he doesn't believe they would have expended the money to sue the City when they can go in to the next community. When Planned Parenthood came in and this Council said no way, in the face of a huge organization with a lot of assets, knowing the City would be sued Council could at least say they bought a year's time and saved a few lives. He believes the pressure could never be brought. Now they are here, and there is a consortium, if the City said no there would be a basis of a successful lawsuit. He wonders what the result would be.

Mr. Schuman said the approach Councilman Pozar is describing was taken by Mayfield Heights in a business case and said let them sue the City. They rolled the dice and were hit with a \$14 million judgment. Mr. Schuman said as long as the councilmember gets up and says that is what their law director told them and they went ahead and did it. That is not the way Mr. Schuman practices law nor does he feel it is his responsibility. Would somebody have sued the City of Bedford over this, maybe they wouldn't have, but was it the smart, legal thing to pass regulations. Mr. Schuman said yes, and whether it is moral doesn't have anything to with it being legal. Whether or not Mr. Schuman likes the business, the City did not allow one of them to go in until the court ruling said they were legal. That approach to say let somebody sue the City and roll the dice doesn't always work.

Mr. Pozar asked what business prevailed in Mayfield Heights. Mr. Schuman said Shemo. Mr. Pozar said now that the businesses are here, what oversight does the City have on the software that goes on the machines. Mr. Schuman said the business has to provide the City with a yearly certificate that their machines have been inspected and their machines provide the odds they say they are providing. Mr. Pozar asked if a department can go to these sites to inspect them. Mr. Schuman said the Building Department can go in and that is the department that will handle it.

Rev. Boquist said there is a new Attorney General in the State of Ohio, and asked if this is under his jurisdiction to change? Mr. Schuman said no it is out of his hands.

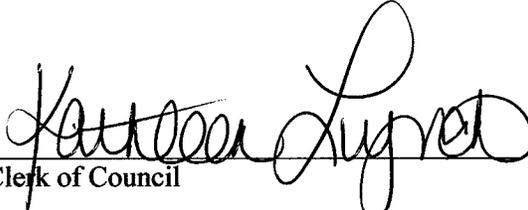
Rev. Boquist said churches are pro-business and pro-jobs. There are some businesses they do not want in the community and he is a little disconcerted about letting anything in for the fear of being sued. He asked if a nude bar or porn shop could be allowed. Mr. Schuman said there is zoning in place for those businesses. Mr. Schuman said there is zoning and areas where those types of businesses can locate, whether or not they meet those requirements or want to be located where it is zoned is the business decision.

Councilwoman Zolata said years ago the adult shops did come into the City and Council acted on it right away. The lawsuit Council was involved in with Planned Parenthood was a different story and they did try to sue the members of Council. She asked with a City our size, population wise, could the City base it on that? Mr. Schuman said no. Councilman Pozar asked why bars can do that. Mr. Schuman said there is a limit on the number liquor licenses.

Don Kostyo, 252 Deborah, asked how the sweepstakes internet cafes work. Mr. Schuman said there are a number of slot machines, a prepaid phone card is purchased and you can either take the phone card to the attendant on duty and the attendant puts it through a machine and it tells you if you won or not. Or you can take the same phone card and put it in a slot machine and pull the slot machine until you're out, or win. You would win the exact amount either way you did it.

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

Meeting adjourned at 9:22 P.M.


Clerk of Council


Mayor – President of Council