**COUNCIL WORK SESSION**
**TUESDAY, JANUARY 17, 2012**

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

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**Dinner will be served**

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- **DISCUSSION OF AGENDA -**
- **DISCUSSION OF STUDENT GOVERNMENT DAY -**
- **EXECUTIVE SESSION - Personnel**

Bedford, Ohio January 17, 2012

Bedford City Council met in a Work Session at Bedford City Hall on Tuesday, January 17, 2012 at 6:00 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: City Manager, Henry J. Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman. Absent: None.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Ordinance 8923-12 was an ordinance amending Ordinance No. 8753-10 passed November 15, 2010 as subsequently amended and amending Chapter 151 of the codified ordinances of the City of Bedford. Mr. Schuman explained the request for the Deputy Chief position had been approved by the Civil Service Commission. He noted the position would have a 5% pay increase because of the additional duties. He said this would not be a union position because of some of the confidential information.

Mr. Koci asked how "rank" and "file" felt about this new position. Mr. Schuman didn't seem to think there were any issues. Mr. Gambosi pointed out this position would be a five (5) day work week instead of a four (4) ten hour work days.

Councilman Batten pointed out several areas concerning pay rates/ranges that he thought needed addressed. Council agreed that they needed to spend more time reviewing the pay rates/ranges and this would be read as a first reading only this evening. Mr. Gambosi was instructed to gather certain pay ranges for Council's review to possibly amend this ordinance further.

Ordinance No. 8924-12 was an ordinance amending Section 137.04 of the codified ordinances of the City of Bedford. Mr. Schuman explained this had to be done to create the Deputy Chief position. Mr. Batten questioned the way the first sentence was worded. Mr. Schuman said it was okay.

Ordinance No. 8925-12 was an ordinance amending Chapter 1949 Entitled "Signs" of Part Nineteen "Planning and Zoning Code" of the codified ordinances of the City of Bedford. Mr. Schuman briefly explained that these four sections needed to be written for easier interpretation. He clarified a business could only have one ground sign or one bulletin board ground sign but not both.

Mr. Saunders thought all Federal agencies were exempt from these types of things. Mr. Schuman said the businesses with both types of signs would be grandfathered but he was not sure about the point Mr. Saunders was trying to explain regarding Federal agencies being exempt.

Ordinance No. 8926-12 was an ordinance authorizing the City Manager to execute an agreement with the Village of Newburgh Heights, Ohio selling the 1998 rescue squad freightliner. Mr. Angelo explained the new rescue squad was going to be delivered next week. He invited Council to come and see it when it arrived. He said the Village of Newburgh Heights was very excited to get the squad even though it was being sold to them "as is". He noted the $20,000 sale price was the best price the City could get for the used vehicle.

Ordinance No. 8927-12 was an ordinance authorizing the City Manager to enter into a contract with Cabling Professionals, Inc. for fiber optic cable from the Court building to the Service and Recreation buildings. . He explained there was going to be an additional cost because the decision to include the Waste Water Treatment Plant was not considered until after Cabling Professionals submitted their quote. He noted this company was the lowest quote the City received. There was discussion whether the Time Warner cables could be used by the City or AT&T. Mr. Schuman replied no it was best to run our own wires.

Ordinance No. 8928-12 was an ordinance authorizing the City of Bedford to certify to the County fiscal Officer the costs associated with the police response to 25 Union Street as said homeowner is in violation of Bedford's criminal activity nuisance ordinance. Mr. Schuman explained this was an ongoing problem. Mrs. Zolata thought Council should be aware of problems like this in their wards. Ms. Villers pointed out she had written three or more criminal nuisance letters and assessment ordinances for this address since she was hired in April 2011.

Council did not have a problem with the motion to approve the December 20, 2011 Planning Commission's decision regarding the site plan for Ganley Bedford Chrysler. They thought the dealership was cramped at its current location. Mayor Pocek mentioned he had heard a rumor that Fiat might move into the building that Ganley Bedford Chrysler was moving out of.

Discussion of the regular Work Session agenda was concluded, however, the Mayor noted Mr. Angelo had a few things that he wanted to talk about.

1) Mr. Angelo explained that he had been contacted by a banner company that wanted to do business with the City of Bedford. He said the banner company wanted the City to have the businesses pay for the costs. This was one thing he was not in favor of doing. Council did not seem to be interested. Mr. Pozar thought Bedford banners were okay the way they were.
2) Mr. Angelo explained the horrible cock roach problem that was on Gould Avenue. He said the Health Department had been involved and it seemed the City was going to have to take further action; however, he was not in favor of spending any money to resolve the problem. He educated everyone on the horrible problem that was on this street and all the steps that needed to be taken to exterminate the roaches.
3) Mr. Angelo showed Council one of the current street markers and then showed them a new reflective bold printed street sign which was easier to read. He stated it was going to cost $15,000 to $20,000 to replace all the street signs in the City so he thought it was best to replace them over time instead of the City taking the big financial hit all at once. Council agreed with the new reflective sign and they felt it was best to replace the markers as needed.
4) Mr. Angelo referred to the letter from the Office of the Ohio Consumers' Counsel which addressed the investigation surrounding the power outage that occurred on April 13, 2010 which he felt said absolutely nothing. He was very unhappy about the letter and assured Council that the Administration had attempted several times in several different ways to contact them. He was going to address this further.
5) Mr. Angelo talked about the insurance for sewer lines that was offered by NLC and Dominion which required the resident to submit the history of the lines and when a claim was made they brushed it off as a pre-existing condition and wouldn't pay. Mrs. Zolata referred to a resident that had filed a claim and the insurance had actually paid. Mr. Angelo mentioned there was going to be some information put on the City's Water Department flyer.

Mrs. Mizsak mentioned the City was marking the lines in hopes to avoid any accidental punctures.

Mayor Pocek announced it was time to schedule the Ward meetings. After a brief discussion, Council scheduled the Ward meetings as follows: Wards 1 & 2 – March 26th, Wards 3 & 4 – April 9th and Wards 5 & 6 - April 23rd.

Mr. Gambosi briefly explained to Council that the Rotary would not be paying for the Student Government Day dinner. He was going to find out more information before Council made a decision on what their involvement would be.

At 7:18 p.m., Bedford City Council, City Manager Henry Angelo, Law Director Ken Schuman, Finance Director Frank Gambosi went into an executive session to discuss personnel. Executive Session adjourned at 7:56 p.m.

At 7:58 p.m., Bedford City Council adjourned to conduct the Regular Council Meeting.

Clerk of Council

Mayor – President of Council

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| **REGULAR MEETING** | **BEDFORD CITY COUNCIL**<br>STATE OF OHIO | **DATE: January 17, 2012** |
| **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 19, 2011
   b. Approval of Minutes of the Regular Meeting of December 19, 2011
   c. Approval of Minutes of the Work Session of January 2, 2012
   d. Approval of Minutes of the Organizational Meeting of January 2, 2012

5. **REPORTS**

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

6. **NEW BUSINESS**

   a. Ordinance No. 8923-12 amending Ordinance No. 8753-10 and Chapter 151 of the Codified Ordinances pertaining to the Deputy Chief position and Pay Ranges
   b. Ordinance No. 8924-12 amending §137.04 – "Division of Police" of the Codified Ordinances
   c. Ordinance No. 8925-12 amending §1949.08 - 1949.11 - "Signs" of the Codified Ordinances
   d. Ordinance No. 8926-12 authorizing the City Manager to sell the 1998 Rescue Squad to the Village of Newburgh Heights
   e. Ordinance No. 8927-12 authorizing the City Manager to enter into a contract w/Cabling Professionals, Inc.
   f. Ordinance No. 8928-12, authorizing the City to certify to the County Auditor costs associated with Police response to 25 Union Street
   g. Motion to approve the December 20, 2011 Planning Commission's decision regarding the site plan approval for Ganley Bedford Chrysler

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 January 17, 2012

Bedford City Council met in Regular Session at Bedford City Hall on Tuesday, January 17, 2012. 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, Mizsak. Absent: None.

Mayor announced that the Work Session Executive Session would reconvene this evening after this meeting.

Motion made by Zolata and seconded by Koci to approve the minutes of the Work Session of December 19, 2011. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Batten seconded by Pozar to approve the minutes of the Regular Meeting of December 19, 2011. 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 approve the minutes of the Work Session of January 2, 2012. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to approve the minutes of the Organizational Meeting of January 2, 2012. The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizsak. Nays: None. Motion carried unanimously.

City Manager Hank Angelo explained the street signs were going to be changed over a long period of time. He showed the audience the difference between the old street signs and the new reflective large bold blocked printed street signs. He explained the cost would be $15,000 to $20,000 to do them so the City thought it would be best to do them as needed.

Mr. Angelo explained the City received a letter from Ohio Consumer Counsels' office and wished that Ms. Kusek was present this evening. He stated for the record that the letter was "terrible" and felt the letter did not give a real response. He was very disappointed in the letter because it said nothing. He noted Mr. Sommers from the school had tried to contact Mr. Williams several times. Mr. Williams has not responded to date.

No report from Ken Schuman, Law Director.

No report from Frank Gambosi, Finance Director.

No report from Councilman Batten.

Councilman Koci mentioned the recent passing of Stu Bailey and noted that he will be missed. Mayor Pocek noted Mr. Bailey was a WWII Vet, good man, dedicated to the City and a good friend.

Councilwoman Zolata echoed the same sentiment regarding Stu Bailey. She saw on Channel 8 the Bedford Madrigal singers that performed for Martin Luke King Day. She was very proud of their production. She asked Mr. Angelo if the rubbish schedule was going to be in the City's flyer. He replied, yes. He strongly suggested that nobody call the police dispatchers asking for the rubbish schedule.

Councilwoman Mizsak noted Stu Bailey was a very intelligent man because he taught people a lot of different things. Mrs. Mizsak asked Mr. Angelo if he had any information about the culling of the deer.

Mr. Angelo explained the Metro Parks would be culling the deer herd again. He said if a resident heard gun shots and they were unsure to call the Police Department.

No report from Councilman Pozar, however, he offered a handout of items of interest to the audience if they chose to take one.

Councilman Saunders stressed the residents needed to practice some "common sense" when it came to parking on the streets when it is snowing. He stated it affected the quality of the neighborhood and made it difficult to plow. He suggested that a blurb be typed in the City's flyer as a reminder. He stressed the street was not part of a resident's driveway and this needed to be enforced. Mr. Angelo noted the flyer deadline was past due for the February billing so it would have to wait for the March billing cycle. Mr. Saunders thought something should be put on the website too. Mr. Angelo said if there was a resident that constantly parked in the street to let him know and he would address it.

Mayor Pocek announced the State of the City Address was on Wednesday, January 18, 2012 starting at 6:00 pm. There would be a social hour at 6:00 pm, a $15 dinner for those who prepaid and then the State of the City Address at 7:00 pm. He thought even though difficult times were among us, there were still some positive things happening.

**ORDINANCE NO. 8923-12** an ordinance amending Ordinance No. 8753-10 passed November 15, 2010 as subsequently amended and amending Chapter 151 of the codified ordinances of the City of Bedford and declaring an emergency was read by title only.

Motion made by Batten and seconded by Zolata to place Ordinance No. 8923-12 on First Reading.

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

**ORDINANCE NO. 8924-12,** an ordinance amending Section 137.04 of the codified ordinances of the City of Bedford, Ohio and declaring an emergency was read by title only.

Motion made by Pozar 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, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Mizsak and seconded by Saunders to place Ordinance No. 8924-12 on third and final reading and passed.

Mr. Schuman explained this was a restructuring of the Police Department. The Executive Lieutenant had recently retired and instead of replacing that same position, Chief Duber thought it would be best to create a new position that was not in the police bargaining unit. He stated the Deputy Chief would essentially be an assistant chief who would not be in the bargaining unit.

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

**ORDINANCE NO. 8925-12,** an ordinance amending Chapter 1949 Entitled "Signs" of Part Nineteen "Planning and Zoning Code" of the codified ordinances of the City of Bedford and declaring an emergency was read by title only.

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

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

Motion made by Mizsak and seconded by Pozar to place Ordinance No. 8925-12 on third and final reading and passed.

Mr. Schuman explained this issue pertained to residential areas regarding signage of churches and schools. He noted the previous ordinance was unclear so this change was for clarification.

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

**ORDINANCE NO. 8926-12,** an ordinance authorizing the City Manager to execute an agreement with the Village of Newburgh Heights, Ohio selling the 1998 rescue squad freightliner 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: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Pozar to place Ordinance No. 8926-12 on third and final reading and passed.

Mr. Angelo explained the rescue squad that was being sold to the Village of Newburgh Heights would be replaced by a new squad which was purchased from bond money. He noted Mayor Trevor Elkins was elated to purchase this squad. Mr. Gambosi clarified the purchase for the squad was being paid from the Ambulance Billing Fund.

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

**ORDINANCE NO. 8927-12,** an ordinance authorizing the City Manager to enter into a contract with Cabling Professionals, Inc. 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: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizsak Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Saunders to place Ordinance No. 8927-12 on third and final reading and passed.

Mr. Angelo explained Time Warner would no longer service the fiber optic lines to the various departments. The options were for the City to enter into a contract with Time Warner for 10 years at an exorbitant amount or for the City to pay for its own lines through avenue. Mayor Pocek noted this would not affect the cable service to the residents. Mr. Saunders asked if the cables were going to be installed

under and above ground. Mr. Angelo replied yes. He added the Waste Water Plant would be included at a later date for additional costs.

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

**ORDINANCE NO. 8928-12,** an ordinance authorizing the City of Bedford to certify to the County Fiscal Officer the costs associated with the police response to 25 Union Street as said homeowner is in violation of Bedford's criminal activity nuisance ordinance and declaring an emergency was read by title only.

Motion made by Zolata 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 Zolata and seconded by Batten to place Ordinance No. 8928-12 on third and final reading and passed.

Mr. Schuman said there were numerous police responses to this particular property over the past three (3) years. He noted this cost or any unpaid future costs would be certified to the County Fiscal Officer.

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 approve the December 20, 2011 Planning Commission's decision regarding the site plan approval for Ganley Bedford Chrysler.

Mayor Pocek clarified the dealership was moving to another location within the City, so the City was not losing a dealership. He heard a rumor that Fiat might move into the older location.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten, Koci, Mizsak. 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.

Tim Tench, 286 Marion Drive reminded and invited everyone to the monthly chat and chew with the school board members that will be held at the Bedford Falls Café' on the third Saturday every month from 9:00 a.m. to 11:00 a.m.

Helen Briggs, 149 Grand Boulevard explained an incident of a deer that needed to be put down on December 26, 2011. She questioned if the reverse 911 system could have been used in this case because there were police officers and gun fire in the resident's backyards. She mentioned the deer carcass had not been removed and there was a pack of coyotes and raccoons fighting over it. Mr. Angelo said the carcass should have been removed and he would send someone out to investigate.

Jim O'Neil, 155 Gould Avenue personally thanked Mr. Angelo for the improvements to 39 Gould that he had previously complained about. He asked Council and the Administration to clarify at the meetings who they were talking about when mentioning an employee's position. For example, give the person's name they are referring to when discussing a position so the audience knows. Mr. O'Neil was told Bob Kohn had recently retired and was being replaced by Kris Nietert as the new Deputy Chief. Mr. Angelo noted Mr. O'Neil had made a good point. Mr. O'Neil asked for clarification regarding the year of the rescue squad. Mr. Angelo replied, 1998. Mr. O'Neil understood the City sold the 1998 rescue squad for $20,000 but what was the cost of the new replacement squad. Mr. Angelo said a new squad was $210,000.

Mr. O'Neil wanted to know what department would enforce the code regarding the distance of rubbish cans from the street. He had called the police department and Mr. Mallis [Acting city Manager] for this information and neither of them has followed up. The resident at 174 Wandle Avenue has three rubbish cans eight feet from the street because the yard was enclosed by a fence. Mr. Angelo noted there was an ordinance and he would follow up with Mr. O'Neil when he had the information.

Mayor announced to Council that the Work Session Executive Session was not necessary.

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 8:38 P.M.

Clerk of Council

Mayor – President of Council