

**COUNCIL WORK SESSION
MONDAY, JULY 11, 2011**

6:00 P.M. PROMPT

Dinner will be served

- **DISCUSSION OF AGENDA -**
- **DISCUSSION OF ANTI-POACHING -**
- **EXECUTIVE SESSION - Personnel**

Bedford, Ohio

July 11, 2011

Bedford City Council met in a work session at Bedford City Hall on Monday, July 11, 2011 at 6:07 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Marilyn Zolata, Paula Mizensak, Donald Saunders, Greg Pozar. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Hank Angelo, Law Director Ken Schuman, Finance Director Frank Gambosi, GPD Group Joe Ciuni and Steve Schreiber, P.E./Project Manager

Absent: Stan Koci [vacation]

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Council had no changes to the Minutes of the Work Session and Regular Council Meetings of June 6, 2011.

Mayor Pocek mentioned James Wagner would not be present this evening for the Elmer Flick Committee presentation. He added Meals on Wheels was sending a representative for the cash donation.

Joe Ciuni and Steve Schreiber were present to discuss a few projects and Ordinance No. 8857-11 authorizing approval of engineering fees to GPD – Dye testing (\$8,750). It was determined the increased amount would be approximately \$13,250. Mr. Schreiber and Mr. Ciuni both thought this would help the flooding in this area and they pointed out the cleanliness for the sewers in this area would also help.

Mr. Schreiber and Mr. Ciuni commented on a few other projects: the Wood Creek project's deadline was July 20, 2011 and the pavement project would be completed by the end of this week but the guardrails and sidewalks would still need to be completed.

Ordinance No. 8856-11 was authorizing the change orders for Mr. Excavator (\$16,501.60) which included seven (7) changes. Mr. Ciuni thought the price for the changes was fair. Mr. Pozar questioned if the drawings were correct. Mr. Schreiber commented they were now. [Mr. Ciuni and Mr. Schreiber left the work session at 6:22 p.m.]

There was a short discuss regarding the item under Old Business which was the Planning Commission's decision regarding the site plan approval for Penske Automotive Group located a 19400 Rockside Road. Council felt it was time for them to vote on the issue because it had been on the agenda for a while and the issue was not resolved between Tim Lally and Penske and there was nothing the City could do at this point. This issue was from the May 3, 2011 Planning Commission meeting where the Planning Commission decided to accept the site plan approval under the condition that the two (2) dealerships sign an agreement between themselves that addressed the area in which the vehicles were being unloaded. Penske was actually using Tim Lally's property to park their semi car hauler to unload their vehicles. Mr. Angelo and Mr. Schuman expressed that the dealerships were still having difficulty and Council should remove them from the situation.

Ordinance No. 8847-11 was declaring the property and structure located at 133 Paul Street a nuisance and Ordinance No. 8848-11 also declaring the property and structure located at 416 Avery Avenue a nuisance were in bad shape per Mr. Schuman.

Ordinance No. 8849-11 was approving the lot split and consolidation plat regarding 22 Nordham Street, which was a win-win for everyone involved. All of Council agreed.

Ordinance No. 8850-11 was authorizing the City to certify to the County Auditor costs associated with Police response to 172 John Street and Ordinance No. 8851-11 was authorizing the City to certify to the County Auditor costs associated with Police response to 305 Avery Avenue and 738 Northfield Road. Mr. Schuman explained these two (2) homes had an opportunity to pay for the police response and did not within the allotted time frame so the City had to move forward with the property assessment process.

Ordinance No. 8852-11 was authorizing the City Manager to enter into a contract with G. P Services-42 Harrison St because the building was in very poor condition and the City needed to secure it for safety reasons per Mr. Angelo.

Ordinance No. 8853-11 was authorizing the City Manager to enter into a contract with TAC Computers MDTS Bid (\$21,138), Ordinance No. 8854-11 was authorizing the City Manager to enter into a contract with TAC Computers MDTS Software (\$22,440), and Ordinance No. 8855-11 was authorizing contract with Independence Communications – Mobile Data Terminals, which all three were purchased through grant money.

Ordinance No. 8858-11 was authorizing the City Manager to enter into a contract with CDBG/World Changers Program which was previously suggested by Mr. Angelo. The program included Bedford, Oakwood, Bedford Heights and Walton Hills and out of 21 projects; approximately 16 were in the City of Bedford. Mr. Angelo explained how the program worked and noted that he had received additional donations along with the \$20,000 grant.

Ordinance No. 8859-11 was authorizing the City Manager to enter into a contract with Time Warner Inc. Mr. Angelo explained Bob Coppedge and Bobbie Dulaney were working on this issue. He highlighted some of the issues involved with this situation as follows: effective August 15, 2011 the franchise agreement with Time Warner (Adelphia) would terminate, Time Warner was going to charge the City a monthly fee for the use of the dark fiber I-Net installed as a result of the franchise agreement, the City had been using these fiber connections between City Hall and the Recreation and Service Department facilities to provide telephone service and internet services, the use of DSL or Wireless solutions was not an option because they would not provide sufficient band width and there was a monthly fee associated with these services. He noted Ms. Dulaney was in the process of submitting additional information to Council and he understood from her that she suggested after reviewing the options, and consulting with other professionals it was her recommendation that the City sign a one year non-renewable agreement with Time Warner to allow the City time to address the situation. He added the City would then own the fiber and have no monthly fees. Council had several concerns and questions for Ms. Dulaney which they would address at the next meeting. Council decided this issue would be read as First Reading this evening. [Special Council July 18, 2011]

Ordinance No. 8860-11 was accepting the fact finding report of the Fraternal Order of Police Lodge 67. Mr. Schuman listed several things that were addressed during the negotiations, which were always a give and take. He felt the outcome was a win-win for everyone involved.

Ordinance No. 8861-11 was an amended and restated agreement for Chagrin/Southeast Council of Governments. Mr. Schuman noted this was for HAZMAT and the only difference in the contract was that other cities were added.

Ordinance No. 8862-11 was establishing new Section 545.23 - "Secondhand Dealers" in the City's Codified Ordinances. He noted this would assist in locating stolen goods and would help lead to crimes. Mr. Saunders pointed out some of these items appear at Goodwill and scrap yards. Council decided this issue would be read as First Reading this evening and forwarded to the August 22, 2011 Regular Council Meeting.

Ordinance No. 8863-11 was repealing and replacing COB §911.03 senior citizens and disabled water and sewer discounts. Mr. Gambosi referenced his memo which outlined the information.

Motion to acknowledge that Frank Gambosi successfully completed the 2011 Certified Public Record Training was completed on Council's behalf.

Motion to accept the June 21, 2011 Planning Commissions decision regarding Education Alternatives was a decision that was out of the City's control. Education Alternatives really did not have to address their business with the City but decided to bring their facility functions to the City on their own.

Motion to accept the June 28, 2011 BZA decision for the variance request from David Yale - ClearChannel Outdoor was a benefit to the City because the City could advertise or utilize the billboard for emergencies or events.

Motion to accept the June 28, 2011 BZA decision for the variance request from John Diezic - Bedford Precision was a small business that Council had no concerns with and the neighbor/renter was in favor with the addition.

Motion to accept the July 5, 2011 Planning Commissions decision regarding Don Wertz's conditional approval was a topic that Council was uncomfortable with because of the nature of the business. There was some past history with this resident that Mr. Pozar felt was swept under the rug and not addressed properly.

The discussion of anti-poaching was basically what Bedford currently practices. This topic would be discussed again at the July 12, 2011 Mayors and Managers meeting for any amendments.

At 7:30 p.m., Bedford City Council, City Manager Hank Angelo, Assistant Law Director Ken Schuman, Finance Director Frank Gambosi went into an executive session to discuss personnel. Executive Session adjourned at 7:47 p.m.

Discussion of the Regular Meeting Agenda was concluded.

At 7:55 p.m., Bedford City Council adjourned to conduct regular Council meeting.


Clerk of Council


Mayor - President of Council

REGULAR MEETING

**BEDFORD CITY COUNCIL
STATE OF OHIO
COUNTY OF CUYAHOGA**

DATE: July 11, 2011

AGENDA

TIME: 8:00 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

- a. Approval of Minutes of the Work Session of June 6, 2011
- b. Approval of Minutes of the Regular Meeting of June 6, 2011

5. OLD BUSINESS

- a. Motion to accept the decision of the Planning Commission regarding the site plan approval for Penske Automotive Group – 19400 Rockside Road, Bedford, Ohio

6. REPORTS

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

7. PRESENTATIONS

- a. James Wagner – Elmer Flick Committee
- b. Meals on Wheels

8. NEW BUSINESS

- a. Ordinance No. 8847-11 declaring the property and structure located at 133 Paul Street a nuisance
- b. Ordinance No. 8848-11 declaring the property and structure located at 416 Avery Avenue a nuisance
- c. Ordinance No. 8849-11 approving the lot split and consolidation plat regarding 22 Nordham Street
- d. Ordinance No. 8850-11 authorizing the City to certify to the County Auditor costs associated with Police response to 172 John Street
- e. Ordinance No. 8851-11 authorizing the City to certify to the County Auditor costs associated with Police response to 305 Avery Avenue and 738 Northfield Road
- f. Ordinance No. 8852-11 authorizing the City Manager to enter into a contract with G. P Services-42 Harrison St
- g. Ordinance No. 8853-11 authorizing the City Manager to enter into a contract w/TAC Computers MDTs Bid (\$21,138)
- h. Ordinance No. 8854-11 authorizing the City Manager to enter into a contract w/TAC Computers MDTs Software (\$22,440)
- i. Ordinance No. 8855-11 authorizing contract with Independence Communications – Mobile Data Terminals
- j. Ordinance No. 8856-11 authorizing the change orders for Mr. Excavator (\$16,501.60)
- k. Ordinance No. 8857-11 authorizing approval of engineering fees to GPD – Dye testing (\$8,750)
- l. Ordinance No. 8858-11 authorizing the City Manager to enter into a contract with CDBG/World Changers Program
- m. Ordinance No. 8859-11 authorizing the City Manager to enter into a contract with Time Warner Inc.
- n. Ordinance No. 8860-11 accepting the fact finding report of the Fraternal Order of Police Lodge 67
- o. Ordinance No. 8861-11 amended and restated agreement for Chagrin/Southeast Council of Governments
- p. Ordinance No. 8862-11 establishing new Section 545.23 - “Secondhand Dealers”
- q. Ordinance No. 8863-11 repealing and replacing COB §911.03 senior citizens and disabled water and sewer discounts

- r. Ordinance No. 8864-11 amending Ordinance No. 8760-10 making additional appropriations for current expenditures
- s. Motion to acknowledge that Frank Gambosi successfully completed the 2011 Certified Public Record Training
- t. Motion to accept the June 21, 2011 Planning Commissions decision regarding Education Alternatives
- u. Motion to accept the June 28, 2011 BZA decision for the variance request from David Yale - ClearChannel Outdoor
- v. Motion to accept the June 28, 2011 BZA decision for the variance request from John Diezic - Bedford Precision
- w. Motion to accept the July 5, 2011 Planning Commissions decision regarding Don Wertz's conditional approval

9. **HEARING OF CITIZENS**

10. **ADJOURNMENT**

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

Bedford, Ohio

July 11, 2011

Bedford City Council met in Regular Session at Bedford City Hall on Monday, July 11, 2011. Mayor Pocek called the meeting to order at 8:00 P.M.

The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Absent: Koci [vacation]

Motion made by Pozar and seconded by Mizsak to excuse the absence of Councilman Koci. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Batten and seconded by Zolata approve the minutes of the Work Session of June 6, 2011. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Pozar to approve the minutes of the Regular Meeting of June 6, 2011. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Saunders to accept the decision of the Planning Commission regarding the site plan approval for Penske Automotive Group – 19400 Rockside Road, Bedford, Ohio. The roll was called. Vote – Yeas: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Mr. Angelo, City Manager, reported the City would be receiving round three (3) of the Neighborhood Stabilization Program Grant money which would build an energy efficient home in the City. He showed a picture to the audience that was designed by Doty Miller who had already built three or four homes in the Cleveland area. He hoped this home would inspire others to build one like this.

No report from Ken Schuman, Law Director.

No report from Frank Gambosi, Finance Director.

Councilman Saunders noted he had several inquires regarding mosquito treatment. He asked Mr. Angelo if the City was treating catch basins and ponds this year. Mr. Angelo was not sure, however he would check into it.

Councilman Pozar thought Mr. Saunders' question that pertained to mosquitoes should have been addressed during the work session to allow Mr. Angelo time to collect the information. Mr. Saunders pointed out there were residents that read the minutes on the internet so he thought this would be the proper place to address it. Mr. Pozar added he had no report.

Councilwoman Mizsak thanked Mr. Angelo for talking to the resident on Brune Drive in her Ward 4.

Councilwoman Zolata commended all the City departments that were involved in the 4th of July Parade festivities and the wonderful fireworks display. She was proud that there weren't that many problems within the City, however the few that were here were taken care of immediately. She was very pleased with the City Newsletter. She asked Mr. Angelo to send some of the City's diversion children to Northfield Road to pickup litter.

Councilman Batten reminded everyone that there was the Bedford Street Dance this weekend July 16, 2011. Mayor Pocek pointed out that Mr. Batten did a tremendous job putting together the "Batten Ball".

Mayor Pocek was very pleased with the 4th of July festivities; he couldn't remember a night that the weather was so calm.

Mayor Pocek announced James Wagner would not be present this evening to give a presentation for the Elmer Flick Committee, however he would be at the August 22, 2011 meeting.

Mayor Pocek announced Dyna Mouat, Treasurer of Meals on Wheels, was present this evening for the presentation. Mayor Pocek explained he had raised \$185 at the Party in the Park 50/50 raffle. He presented Ms. Mouat a check for \$185 on behalf of himself and City Council members. Ms. Mouat thanked everyone for the money. She also added the Strawberry Festival donated over \$1,000 to the Meals on Wheels organization. She mentioned she lived in Solon, Ohio; however the Bedford community has been very generous to Meals on Wheels. She knew Meals on Wheels could always count on Bedford for support.

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

ORDINANCE NO. 8847-11, an ordinance declaring the property and structure located at 133 Paul Street (P.P. NO. 814-15-025) a nuisance ordering action and declaring an emergency was read by title only.

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

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

Motion made by Pozar and seconded by Mizensak to place Ordinance No. 8847-11 on third and final reading and passed.

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

ORDINANCE NO. 8848-11, an ordinance declaring the property and structure located at 416 Avery Avenue (P.P. NO. 813-23-036) a nuisance ordering action and declaring an emergency was read by title only.

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

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

Motion made by Saunders and seconded by Pozar to place Ordinance No. 8848-11 on third and final reading and passed.

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

Mr. Pozar explained the word on the street directed to the banks that own these properties was that the City means business when it comes to addressing homes like these in Bedford. Mr. Saunders noted these specific homes were owned by Countrywide Bank which was recently purchased by Bank of America.

ORDINANCE NO. 8849-11, an ordinance approving the lot split and consolidation plat regarding permanent parcel numbers 811-36-037, 811-36-038 and 811-36-039 and declaring an emergency was read by title only.

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

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

Motion made by Zolata and seconded by Batten to place Ordinance No. 8849-11 on third and final reading and passed.

Mr. Schuman explained the home on this property was demolished because of its deplorable condition and the neighbors on each side of the lot decided to split the lot, pay for the fees involved to expand their own existing properties. Mr. Saunders pointed out it was an odd shaped lot.

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

ORDINANCE NO. 8850-11, an ordinance authorizing the City of Bedford to certify to the County Auditor the costs associated with police response to 172 John 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 and seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days.

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

Motion made by Zolata and seconded by Mizensak to place Ordinance No. 8850-11 on third and final reading and passed.

Mr. Schuman explained these types of ordinances pertain to repeated police response to the residence and the costs associated with the calls. He said the landlord/homeowner was charged for the costs after the third call. He added the City would be very active in pursuing this ordinance in the future.

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

ORDINANCE NO. 8851-11, an ordinance authorizing the City of Bedford to certify to the County Auditor the costs associated with police response to 305 Avery Avenue and 738 Northfield Road 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 Batten and seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days.

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

Motion made by Pozar and seconded by Mizsak to place Ordinance No. 8851-11 on third and final reading and passed.

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

Mr. Gambosi noted the new title for the County Auditor was County Fiscal Officer.

ORDINANCE NO. 8852-11, an ordinance authorizing and directing the City Manager to enter into a contract with G. P. Services for materials, labor and cleanup for securing of the building located at 42 Harrison Street, Bedford, Ohio and declaring an emergency was read by title only.

Motion made by Zolata and seconded by Saunders to amend Section 4 to read as “The Clerk of Bedford Council is hereby authorized and directed pursuant to Section 715.261 of the Ohio Revised Code, to certify the cost of **Two Thousand Five Hundred Dollars (\$2,500.00)** together with proper description of the Property to the County Auditor of Cuyahoga County for placement upon the tax duplicate and collection as other taxes and to create a lien on the property as of the date of such certification” and renumber the other sections accordingly.

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

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

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

Motion made by Batten and seconded by Zolata to place Ordinance No. 8852-11 on third and final reading and passed.

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

Mr. Angelo explained this action was needed to secure the building and this company was the lowest bidder. He said the City would be working with the County to have it torn down.

ORDINANCE NO. 8853-11, an ordinance authorizing and directing the City Manager to enter into a contract with TAC Computers for six mobile data terminals being the lowest, responsive and responsive bidder, and declaring an emergency was read by title only.

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

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

Motion made by Batten and seconded by Zolata to place Ordinance No. 8853-11 on third and final reading and passed.

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

Mr. Angelo explained this ordinance and the next two (2) were related and were purchase through a Federal Government \$90,000 grant and the City would not be spending the enter amount.

ORDINANCE NO. 8854-11, an ordinance authorizing the City Manager to enter into an agreement with TAC Computers for the software portion for the Fire Department's mobile data terminals project and declaring an emergency was read by title only.

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

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

Motion made by Zolata and seconded by Batten to place Ordinance No. 8854-11 on third and final reading and passed.

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

ORDINANCE NO. 8855-11, an ordinance authorizing the City Manager to enter into an agreement with Independence Communications for MDT vehicle hardware and installation for the Fire Department's mobile data terminals project and declaring an emergency was read by title only.

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

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

Motion made by Batten and seconded by Zolata to place Ordinance No. 8855-11 on third and final reading and passed.

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

ORDINANCE NO. 8856-11, an ordinance authorizing additional work for Solon Road waterline and declaring an emergency was read by title only.

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

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

Motion made by Batten and seconded by Zolata to place Ordinance No. 8856-11 on third and final reading and passed.

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

Mr. Angelo explained this was additional work for this project due to the incorrect information from the County as far as waterlines that were not on the prints.

ORDINANCE NO 8857-11, an ordinance authorizing the approval of engineering fees to GPD Group for its services regarding dye testing on Henry, Best and John Streets from Northfield Road to Paul Street in the City of Bedford and declaring an emergency was read by title only.

Motion made by Batten and seconded by Zolata to amend Section 2 to add an additional \$4,500.00 dollars for flow monitor rental.

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

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

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

Motion made by Pozar and seconded by Saunders to place Ordinance No. 8857-11 on third and final reading and passed.

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

Mr. Angelo explained this was being done because of the flooded basement problems that were in this area. Mrs. Zolata clarified the section of Best that would be addressed because the study ended at Paul Street.

ORDINANCE NO. 8858-11, an ordinance authorizing the City Manager to enter into an agreement with the County of Cuyahoga, Ohio for the 2011 World Changers Community Development Block Grant Program and declaring an emergency was read by title only.

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

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

Motion made by Zolata and seconded by Batten to place Ordinance No. 8858-11 on third and final reading and passed.

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

Mr. Angelo explained the program and how it worked which involved Bedford, Bedford Heights, Oakwood Village, and Walton Hills and the repairs would be taking place the last week of July 2011. He noted the City had also received an additional \$8,000 in donations. Mayor Pocek mentioned the schools would house all the World Changer participants. There were 16 homes in Bedford that were accepted for the repairs.

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

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

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

ORDINANCE NO. 8860-11, an ordinance accepting the Fact Finding Report in the matter of the City of Bedford and Fraternal Order of Police Lodge 67 and declaring an emergency was read by title only.

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

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

Mr. Schuman explained the City had been attempting to negotiate collective bargaining agreements with the police and fire departments since November 2010. He added the City was unable to reach an agreement with the Police employees. He mentioned the Fire Department was waiting to see what the police employees got so they could use that information for their contract. He added the police Fact Finder's report recommended a pay raise for 2011 of 1%, 2012 of 1 ½%, and 2013 of 2%. He said police accepted the City's proposal regarding co-pays and health insurance which will change in 2013 along with various amendments. He noted Council and the Administration was comfortable with the outcome.

Mr. Pozar clarified the remark Mr. Schuman previously made that "Council was comfortable with the outcome". He said because as the situation existed currently it was relatively unfair for those cities that were fiscally responsible in putting aside reserve funds because it appeared that the employees/unions used the fact that the City had money in the bank and they felt they should be rewarded or benefit from it. He explained Council knew how the evaluation process and possibly an arbitration process worked, which was pretty heavily stacked at the moment against any logic entered into the equation in today's labor/job market. He said the Administration/City Manager and the Law Director did a wonderful job and it was a pleasant surprise. He thought the City would benefit at the end of the day, however the proposal had not been accepted by the police employees. He appreciated the efforts on everyone's part, however he did not appreciate a system that essentially penalized Cities that do a good job managing their funds and watching over the residents' tax dollars. He thanked everyone again and felt he could live with this agreement. Mr. Schuman thanked Mr. Pozar for his comments.

Motion made by Batten and seconded by Zolata to place Ordinance No. 8860-11 on third and final reading and passed.

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

ORDINANCE NO. 8861-11, an ordinance authorizing the City Manager to execute the first amended and restated agreement for establishment for the Chagrin/Southeast Council of Governments and declaring an emergency was read by title only.

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

Mr. Pozar asked how many votes would be needed to pass this ordinance. Mr. Schuman replied six (6) votes were needed to suspend the rules otherwise it would go to First Reading. Mr. Pozar asked if the City was being pressured by the County to pass this legislation. Mr. Schuman stated this had nothing to do with the County and this was for the Chagrin/Southeast Council of Governments. Mr. Pozar understood.

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

Motion made by Mizensak and seconded by Saunders to place Ordinance No. 8861-11 on third and final reading and passed.

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

Mr. Angelo explained this was a cooperative agreement between several municipalities to take care of hazardous waste materials in a concerted effort. He said this legislation did not change any of the language but was only adding other cities to the list for mutual aid regarding hazardous waste. Mayor Pocek mentioned the dialog coming from Columbus, Ohio about that cities should work together.

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

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

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

ORDINANCE NO. 8863-11, an ordinance repealing and replacing Codified Ordinance §911.03, providing eligible Bedford senior citizens and the permanently disabled with a water and sewer discount and declaring an emergency was read by title only.

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

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

Motion made by Saunders and seconded by Mizensak to place Ordinance No. 8863-11 on third and final reading and passed.

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

Mr. Gambosi explained there were about 240 residents currently on this program and the analysis used to determine the income level would be calculated differently in 2012.

ORDINANCE NO. 8864-11, an ordinance amending Ordinance No. 8760-10 making additional appropriations for current expenditures of the City of Bedford, Ohio during the year 2011 and declaring an emergency was read by title only.

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

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

Motion made by Zolata and seconded by Batten to place Ordinance No. 8864-11 on third and final reading and passed.

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

Mr. Gambosi said the ordinance listed a lot of grants the City had obtained. He explained he had analyzed all the departments and made adjustments as he saw fit. He said he cut back the budget \$81,000 to tighten the budget. Mr. Pozar thought the City should display a chart to show the residents how much money had been received through grant monies. Mayor Pocek stated in 2009 the City of Bedford lead in obtaining grants out of 59 surrounding communities. He added the city had received \$25,000,000,000.00 in grant money and this figure did not include the small grants.

Motion made by Pozar and seconded by Mizensak to acknowledge that Frank Gambosi successfully completed the 2011 Certified Public Record Training [on Council's behalf].

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

Motion made by Zolata seconded by Batten to accept the June 21, 2011 Planning Commissions decision regarding Education Alternatives.

The roll was called. Vote – Yeas: Pocek, Pozar, Saunders, Zolata, Batten. Nays: Mizensak. Motion carried.

Motion made by Zolata seconded by Saunders to accept the June 28, 2011 BZA decision for the variance request from David Yale – ClearChannel Outdoor.

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

Motion made by Zolata seconded by Batten to accept the June 28, 2011 BZA decision for the variance request from John Diezic – Bedford Precision.

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

Motion made by Pozar and seconded by Saunders to accept the July 5, 2011 Planning Commission decision regarding Don Wertz's approval.

Mr. Pozar asked what the conditional approval was for specifically. Mr. Angelo explained the applicants requested conditional approval from the Planning Commission to use their garage for conceal carry training purposes. There would be no ammunition on site and the students had parking privileges at the hospital.

Mr. Pozar pointed out that perhaps this applicant had been overlooked by the Building Department over the last few years because the garage that was being illegally utilized as a domicile for their daughter. He noted there was some controversy about this issue including the adjoining property at 670 Washington Street. He said there had been ongoing discussions and somehow the issue was not resolved. He stated there was not a resolution and the occupant still remained. He said in all due respect to the Planning Commission that they were not apprised of the full history or details of this property. He thought it would be best to vote "no" on this issue and resolve the first issue and then revisit this request in the future.

Mrs. Mizesak asked who was going to be the instructor. Mr. Angelo said he had received a certification from the instructor, which was verified by the City. He reiterated that there would be no gun fire at this site. Mrs. Mizesak thought it would be best to have a police officer spot check the class to make sure no bullets were being used for the class. Mr. Angelo had no problem with this request.

Mr. Pozar said the applicant came before the Planning Commission for a non-conforming use and the Planning Commission decided to forward their decision to Council to accept the application but he thought in this case the non-conforming use was an unusual request for a residential district. Mr. Schuman agreed that it was unusual to have a private use in a residential setting. He commented that because of Mr. Schuman's opinion it would give him a second cause to vote no on this issue. Mr. Saunders asked for the type of zoning. It was determined it was zoned residential. Mr. Batten asked if blank bullets would be fired. Mr. Angelo reiterated what was told at the Planning Commission meeting that there would be no firing of weapons.

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

Mayor welcome citizens' comments at this time.

Ms. Nancy Kusek, 99 Wheelock Drive, asked if the City had an update on the power surge. Mr. Angelo said the issue was still being investigated because of the new hire on their end.

Don Wertz, 50 Columbus Road, was the applicant for the concealed weapons training class conditional approval request. He explained the issue Mr. Pozar was referring to happened many years ago and the Building Department was aware of what he was doing and continued to issue him City permits in the amount of \$250+. He stated he had worked on the garage for five (5) weeks and had spent \$10,000 when the City stopped the project and pulled his permits. He felt this mistake was the Building Department's fault because the department did not know the laws/rules. He noted it was the resident behind him that brought it to the City's attention that he was short 200 feet for parking privileges. He noted the building was remodeled property per the City codes. He noted everything had been done except for the carpet. He said he allowed his daughter to live in the newly remodeled building until the City found out and made her move out. He stated he was trying to do a "legal" business so they could use the facility and recoup some of their money. He thought the older issue should be waived because he had obtained all the City permits. He understood people made mistakes but he felt there was a need for such a class. He too, took into consideration that there would be no live ammo because he did not want ammo on his property.

Tim Tench, 286 Marion Drive, apologized ahead of time for the issue he was about to bring to the floor. He was very unhappy about the renting neighbor across the street from him. He explained the last two (2) tenants had been evicted, had numerous citations for long grass, improper parking, and non-registered vehicles in the drive. What frustrated him the most was the family that just got evicted was moving to another rental on Northfield Road. He felt there needed to be some type of law, rule or guidelines that if a renter abused a community they should not be allowed to relocate somewhere else in the same community. He commended the police, building and service departments for being proactive on their actions but he felt they were being reactive. He suggested some type of ordinance that would not allow a renter to keep tearing up a community time and time again. He applauded the fact that the City addressed two different types of criminal nuisance ordinances; one for building codes and one for police response. He asked if eviction notices were public record. Mr. Schuman replied, yes. He wanted to know if the City could produce a landlord watch list for surrounding communities. He felt some of the landlords were into the renting for personal interest and they had no vested interest in the City itself and he felt it was a crime. He felt the tenant and the landlord needed to be fined and the fines should be higher than what it currently was. Mr. Schuman explained the Courts have ruled that penalty or assessment had to be rationally related to the cost of the service. He added the Police Department charged the landlord the exact cost of the incident and if it was not paid then the cost was certified to the County. He added Bedford was one of the few cities that had such an ordinance on the books. Mr. Tench wanted to know how much money was spent on these types of incidents. Mr. Schuman pointed out that not every department could charge for every incident because to a certain extent it was the employee's job to perform such duties.

Mr. Tench wanted Bedford to address this problem on the local level. Mr. Schuman pointed out the City was superseded by whatever decision the Federal organizations decided even though he agreed with Mr. Tench's suggestions. There was some discussion about Section 8 housing. Mr. Pozar said what has happened was the consequence of the Federal government with all good intentions to create a program that the unintended consequences were now here for every City to deal with for the next ten (10) years. He pointed out the problem all started when the decision was made that any person that could sign their name could buy a home, the credit rating agencies had to lower their standards and allow the appraisers to raise the appraisal cost so money can be drawn out with the new buyer not having a down payment so we all can experience the American Dream. He noted other communities have not even started to address these types of problems in their communities. He agreed and understood the frustration that some people were dealing with. He noted he did not know a landlord that did not want his rent check. Mr. Tench felt if the landlord was getting his check from the government he did not care about any City. Mr. Pozar pointed out not every rental home in Bedford was a Section 8 home and some were purchased by the American Dream Federal Government actions.

Mr. Tench thought the City of Bedford should make a stand regardless of the lawsuits to announce that Bedford was not going to sit back and take it. Mr. Schuman was not in favor of setting up the City to lose money in lawsuits it can't win because it would be illegal and irresponsible and he did not think Mr. Tench would make this same request to the School Board. Mr. Tench thought it would be in the best interest for the community, a quality education for the children and he would request this to the School Board. Mr. Schuman referred to a situation in Walton Hills as an example. He said they wanted out of the school district and they were told by several professional people that they would spend \$200,000 and that it was an automatic loss. He noted Walton Hills spent \$200,000 and still lost and they lost every step of the way. He stated he was not a Law Director that was going to attempt a frivolous lawsuit that he had no chance of winning because it would be irresponsible. He was not in favor of a lot of the laws that were on the books but he had to act responsible. He stressed the City of Bedford had the most stringent ticket writing for the quality of life issues and the City was going to be as aggressive as it can be and the City was not going to take it.

Mayor Pocek understood Mr. Tench's frustration; however Bedford was addressing the foreclosure issues along with other communities and Cuyahoga County. He was not in favor of blowing money on lawsuits the City can't win. He would rather spend the money on things that would benefit the City not cripple it.

Mr. Pozar asked for clarification as to what "it" is. Mr. Tench said "it" was the law that allows all this to happen. Mr. Pozar stressed you can't legislate morality and there was a system currently that encourages entitlement, there was 51% of these people not paying any Federal Tax and they have their hands out wanting a freebie. Mr. Tench stressed this was an American problem because tenants and landlords have rights so what about the rights of the conscientious homeowners in Bedford that were having their quality of life issues violated on a daily basis. Mr. Pozar stressed what was happening was Federal insanity so the bottom line was for everyone to cast their vote in 2012 and change it. Mr. Tench felt there was strength in numbers and he felt if political bodies addressed this problem it would be taken more seriously. He felt life decisions were based on common sense and logic and none of this makes sense on any level. He asked for a contact even though he felt Council and the Administration had more clout than him.

Mayor Pocek stated if Bedford had clout the City would not have had its budget cut like every other city by 50%.

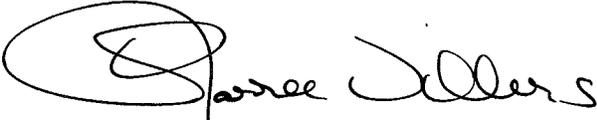
Darlene Williams, 151 Best Street, thanked all of Council for everything they do for the residents. She explained of the problems she had from the three (3) houses of renters in her neighborhood. She said this was a quality of life issue. Mayor Pocek spoke of a problem he had in the past where he threatened to picket a landlord's house in Walton Hills and oddly enough the issue was resolved. He noted there were other things people can do.

Mrs. Kusek, 99 Wheelock Drive, thought the City could create its own set of laws like certain neighborhood communities. Mayor Pocek stated the City had ordinances in place that everyone had to obey. Mrs. Kusek thought Bedford could be handled like a condo association.

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: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Meeting adjourned at 9:18 P.M.


Clerk of Council


Mayor – President of Council