

**COUNCIL WORK SESSION  
MONDAY, JUNE 6, 2011**

**6:30 P.M. PROMPT**

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- **DISCUSSION OF AGENDA -**
  
- **DISCUSSION OF EXTERIOR MAINTENANCE – (Zolata)**
  
- **DISCUSSION OF WATER DEPARTMENT RATES AND FEES - (Batten)**
  
- **EXECUTIVE SESSION – Personnel**

Bedford, Ohio

June 6, 2011

Bedford City Council met in a work session at Bedford City Hall on Monday, June 6, 2011 at 6:34 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizensak, Donald Saunders, Greg Pozar. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Hank Angelo, Assistant Law Director John Montello, Finance Director Frank Gambosi, Clint Bellar, Service Director.

Absent: Ken Schuman, Law Director

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Council had no changes to the Minutes of the Public Hearing, Work Session and Regular Council Meetings of May 16, 2011. Mrs. Zolata thought the Clerk did an excellent job preparing the minutes.

Resolution No. 2446-11 was a resolution approving and accepting the proposed 2011 Tax Budget - January 1 to December 31, 2012 (1<sup>st</sup> Reading May 16, 2011) and, Resolution No. 2447-11 was a resolution requesting the County Auditor to advance taxes from tax levy proceeds for 2011 collected in 2012 (1<sup>st</sup> Reading May 16, 2011) were both suggested for passage by Mr. Gambosi. Council had no questions regarding these two (2) pieces of legislation.

The motion to accept the decision of the Planning Commission regarding the site plan approval for Penske Automotive Group – 19400 Rockside Road, Bedford, Ohio was left tabled because the issue had not been resolved. 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 expressed that the dealerships were still having difficulty as of today reaching a mutual agreement. Council understood the situation and decided to follow the direction of Mr. Angelo and leave this issue tabled.

The motion to confirm the decision of the May 31, 2011 Board of Zoning Appeals (BZA) regarding the sign variance for Woodside Village represented by FASTSIGNS Signs was clearly understood that the applicant was not able to show any hardship for this request as stated in the BZA minutes that Council had before them. Council agreed it was best to follow the direction of the BZA.

Ordinance No. 8846-11 was authorizing the City Manager to enter into a contract with Everett Concrete to replace concrete at Ellenwood Recreation Center (\$6,816) for handicap accessibility. The Recreation Center would have a better wheelchair ramp and new handicap energy efficient doors installed, which would meet all ADA requirements.

The discussion of exterior maintenance was requested by Mrs. Zolata because a resident had complained to her about some of the homes and buildings becoming shabby looking. She wanted the City of Bedford to keep moving in the right direction and not become an eyesore. Council agreed this issue was something that needed constant attention.

There was discussion that Sylvia Heller wanted lights on the paintings she donated to the VFW. The staff thought it would be best to talk to CEI to check if a light could be installed on their pole near the location.

The discussion of the Water Department rates and fees was requested by Mr. Batten. He felt if a water paying customer did not have the place occupied/rented with no water usage or if the water was turned off there should be no minimum water fee.

Mr. Gambosi explained the City did not assess the residents for water improvements and a minimum fee should be charged to pay for overall improvements to the water system and it was the minimum fee that helped cover some of the costs. He noted another reason the minimum fee was charged was because the water paying customer had water availability at the street, which initially cost money and they could have the water turned on at any given time. He explained it was expensive to install waterlines and the customer had to help pay for the expenses and continuous upkeep. There were several sheets of information that was passed out at the meeting (see attached). One sheet was from Joe Ciuni that addressed the calculations of minimum bills for water for vacated premises. It showed two (2) areas of loss and need for recovery regardless of water usage as: #1) replacement of water lines to the street, and #2) replace loss of water dollars from leaks in the system. The information showed the cost per linear foot was \$120 to \$180 with the average Bedford property frontage being 40 foot and the average waterline life expectancy of 80 years. Example #1: \$150 per linear foot x 50 foot = \$7,500 per household divided by 80 years = \$93.75 per household divided by 12 months = \$7.82 per month. Example #2: The City's average billing was for 60% consumption and losing 40% to water leaks, flushing fire hydrants, broken waterlines, water theft to name a few. The estimated payments to Cleveland Water for 2011 was \$3,237,405 x 40% (loss) = \$1,294,962 divided by 5,000 water accounts = \$259 per year per account divided by 12 months = \$21.58 per month. These costs were the minimum payment for a foreclosure, vacated property or snowbird. If you add both examples together you get the minimum charges of \$29.40 per month if vacated. The current charge was \$31.54 per month. He felt that Bedford should not be compared to other cities because each city had different situations (see attached). He wanted everyone to know that the larger the line the higher the rate.

Mr. Bellar said the large meters were 50 years old and he felt they had the biggest loss of water. He added the new meters should be installed by Fall of 2011. He stressed it was best to review the facts and actual numbers because "If you cut some fees you have to make it up somewhere else".

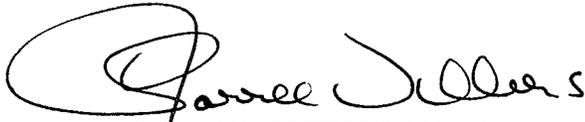
Mr. Saunders commented that all utility companies charged a basic type fee and there was no way to get away from it. He said the City had to cover its fixed costs.

Mr. Angelo pointed out that the older meters were less accurate, which was a problem. He felt this issue needed revisited in the near future and the snowbirds-vs-shut-offs should be treated differently because it was for two very different reasons. He added there were an average of 130 shut-offs per month.

At 7:30 p.m., Bedford City Council, City Manager Hank Angelo, Assistant Law Director John Montello, Finance Director Frank Gambosi went into an executive session to discuss personnel. Executive Session adjourned at 7:54 p.m.

Discussion of the Regular Meeting Agenda was concluded.

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

  
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Clerk of Council

  
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Mayor – President of Council

REGULAR MEETING

BEDFORD CITY COUNCIL  
STATE OF OHIO  
COUNTY OF CUYAHOGA

DATE: June 6, 2011

AGENDA

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 Public Hearing (Tax Budget) of May 16, 2011
- b. Approval of Minutes of the Work Session of May 16, 2011
- c. Approval of Minutes of the Regular Meeting of May 16, 2011

5. OLD BUSINESS

- a. Resolution No. 2446-11 approving and accepting the proposed 2011 Tax Budget -January 1 to December 31, 2012 (1<sup>st</sup> Reading May 16, 2011)
- b. Resolution No. 2447-11 requesting the County Auditor to advance taxes from tax levy proceeds for 2011 collected in 2012 (1<sup>st</sup> Reading May 16, 2011)

6. REPORTS

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

7. NEW 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
- b. Motion to confirm the decision of the May 31, 2011 Board of Zoning Appeals Board regarding the sign variance for Woodside Village represented by FASTSIGNS Signs
- c. Ordinance No. 8846-11 authorizing the City Manager to enter into a contract with Everett Concrete to replace concrete at Ellenwood Recreation Center (\$6,816)

8. HEARING OF CITIZENS

9. ADJOURNMENT

**PLEASE TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING**  
(Council minutes and agenda posted at [www.bedfordoh.gov](http://www.bedfordoh.gov))

Bedford, Ohio

June 6, 2011

Bedford City Council met in regular session at Bedford City Hall on Monday, June 6, 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, Mizensak, Pocek, Pozar.

Mayor Pocek asked if Council chose to accept and approve the minutes as written for the Public Hearing of May 16, 2011. The roll was called. Vote – Yeas: Zolata, Koci, Mizensak, Pocek, Pozar, Saunders and Batten. Nays: None. Motion carried unanimously.

Mayor Pocek asked if Council chose to accept and approve the minutes as written for the meeting of the Work Session of May 16, 2011. The roll was called. Vote – Yeas: Zolata, Koci, Mizensak, Pocek, Pozar, Saunders and Batten. Nays: None. Motion carried unanimously.

Mayor Pocek asked if Council chose to accept and approve the minutes of the Regular Meeting of May 16, 2011. The roll was called. Vote – Yeas: Zolata, Koci, Mizensak, Pocek, Pozar, Saunders and Batten. Nays: None. Motion carried unanimously.

**RESOLUTION NO 2446-11**, a resolution approving and accepting the proposed 2011 Tax Budget for the year January 1, 2012 to December 31, 2012 and declaring an emergency was read by title only. (1<sup>st</sup> Reading May 16, 2011)

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

Motion made by Mizensak and seconded by Pozar to place Resolution No. 2446-11 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.

Mr. Gambosi explained this was for the year 2012 and this was addressed annually. Mayor Pocek added this was the beginning of a very tough budget for 2011.

**RESOLUTION NO. 2447-11** being a resolution requesting the county auditor to advance taxes from the proceeds of tax levies for the year 2011 collected in 2012 pursuant to Section No. 321.34 of the Revised Code of the State of Ohio, and declaring an emergency was read by title only. (1<sup>st</sup> Reading May 16, 2011).

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

Motion made by Batten and seconded by Zolata to place Resolution No. 2447-11 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.

Mr. Angelo, City Manager, reported the problems the Recreation Center has been having with the opening of the pool, however, it would be resolved very soon. The heater had to have a part replaced and the gas company had a concern about the gas line so the gas was shut off but the plan for the pool to open would be Tuesday, June 7, 2011 at 11:00 a.m. He said on a brighter note the City would have fireworks on July 3, 2011 and more information would be available soon.

Assistant Law Director John Montello wished everyone a Happy Father's Day and Happy 4<sup>th</sup> of July. (Ken Schuman was absent.) The Mayor introduced Mr. Montello to the audience because Mr. Schuman was absent this evening.

Mr. Gambosi, Finance Director, thanked everyone for their help and support for the Rotary Rib Burn-off last weekend. He appreciated everyone's efforts. He informed everyone that the Tax Department mailed out a notice that the City's lock box had been changed. He added the different address started June 1, 2011 and this would not affect the residents. He was happy to report that Huntington Bank graciously gave the City free services for 2011, which saved the City \$7,000 plus the cost of the envelopes.

No report from Councilman Batten.

Councilman Koci said the City had a very nice Memorial Day celebration. He said Sylvia Heller presented her painting to the VFW which will be displayed on the south wall. He expressed the Rotary Rib Burn-off was very good. He urged everyone to enjoy the summer now that it was finally here.

Councilwoman Zolata expressed the Memorial Day Parade was spectacular. She suggested the residents to display a flag for Flag Day. She reiterated Sunday, June 12, 2011 at noon there would be a rededication of the 1886 Civil War monument that was presented to the City. She said Mayor Pocek and herself would be present. She said the Ohio Sharp Shooters would also be present. She also urged everyone to come to the Strawberry Festival.

Councilwoman Mizensak pointed out there would also be a Car Show this Saturday. She referenced the May 23, 2011 rain storm when the sirens were activated. She said she had helped on the siren committee for the City. She stated the first Saturday of the month at noon the sirens were activated to make sure they were functioning properly. She hoped Bedford would never have to use them for an emergency storm situation.

Councilman Pozar was very pleased with the Memorial Day ceremony and the address Colonel Hubbard gave at the cemetery. He said the address informed every one of what dead service men's ideas and what they expect from us in terms of remembering them. He said it was particularly poignant and impacting. He commended on the Mayor's rendition of the Gettysburg Address in how it started; what it was intended to be and what it evolved into which he found very fascinating. He thought the Mayor certainly out did himself on Memorial Day. He figured the Mayor will not be able to sleep the night before the 1886 Civil War Monument event just out of the sheer excitement. He seriously appreciated the speech from the Mayor. Mayor thanked Mr. Pozar for his kind words.

Councilman Saunders wished everyone a very happy summer. He mentioned the Strawberry Festival was the fundraiser for the Historical Society so they could afford to keep the buildings open. He asked Mr. Angelo for the railroad track crossing repair schedule for downtown because of all the City Square events

which were already scheduled. Mr. Angelo was not sure but he would let him know, however, he pointed out the railroad crossing closing would be involve three (3) weekends and the events would have to work around the railroad repairs. Mr. Saunders noted every available craft booth spots were filled so it was going to be a busy weekend.

Mayor Pocek commented the Fire Department for all their rescue efforts of recent. He added it was a thankless job.

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

Motion to accept the decision of the May 3, 2011 Planning Commission regarding the site plan approval for the Penske Automotive Group was still tabled from the May 16, 2011 Regular Meeting because the City was still waiting for an agreement from the two car dealerships as explained by the Mayor.

Motion to confirm the decision of the May 31, 2011 Board of Zoning Appeals Board regarding the sign variance for Woodside Village represented by FASTSIGNS Signs.

Motion made by Batten and seconded by Zolata to confirm the decision of the May 31, 2011 Board of Zoning Appeals regarding the variance.

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

**ORDINANCE NO 8846-11**, an ordinance authorizing the City Manager to enter into an agreement with Everett Concrete to replace concrete at the Ellenwood Center and declaring an emergency was read by title only.

Motion made by Zolata and seconded by Mizsak 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 and seconded by Pozar to place Ordinance No. 8846-11 on third and final reading and passed.

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

Mr. Angelo explained the City had some concerns regarding heaved concrete that has created water flow toward the building. He added this was the first step for handicap accessibility not only through the concrete and the ramp but new doors, which would meet all ADA requirements.

Mayor welcome citizens' comments at this time.

Sandra Ball, 80 Ellenwood, asked if the City was going to give out the blue recycle bags this year. Mr. Angelo explained some were already in circulation and the Administration was working on how they were going to be delivered.

Kathy Williams, 491 Lamson, asked for the progress on the Quiet Zones. Mr. Angelo explained the progress would be a timing issue of the employees having the time to install the posts. He said once the posts are installed the City would need certification. He said he hadn't received actual verification in writing that if the posts are installed the area would be granted a quiet zone. Mayor Pocek thought it was best if the City gave Walgreen's a heads up because they have been a good corporate citizen.

Phil Williams, 150 Best Street, thanked Jacie Kelly for saving the 11 kittens from his yard. Dispatcher Kelly overheard a conversation at work and saved them. Mr. Angelo said he would pass the message on to Ms. Kelly.

Nancy Kusek, 99 Wheelock Drive, asked what progress had been made on the power surge. Mr. Angelo stated he had already given her the latest update regarding this issue. He explained the representative the City was working with had been laid-off at the Ohio Consumer Counsel. He noted the new person that was working on the issue was not up to speed plus he was not in the same agreement with the representative at the PUCO. Ms. Kusek brought up the information Mr. Sommers, Superintendent of the School Grounds, had previously reported on CEI. Mr. Angelo apologized for his remark he was about to make but it wasn't what Mr. Sommers said because he was considered to be a third party. He said there was a complete investigation on the incidences and equipment failures. Ms. Kusek said it was her opinion that when Mr. Sommers made his comments directly to her it was not third party. She was told by PUCO that CEI had erased their records and she felt this was a big cover-up. Mayor Pocek noted the City was doing the best it could. Ms. Kusek felt it was an injustice what CEI did to Bedford. She understood the under ground transformers were not part of the investigation so how could this be cleared. She was happy Mr. Deadman had their problems fixed because they haven't had any issues since.

Jean Sapir, Cuyahoga County Library, 70 Columbus Road had a show and tell this evening of flags that had poems or lyrics on them. She announced starting September 16-19, 2011 they could be displayed in conjunction with the Weekend of the Pooka. She urged Council Members to create a flag of their own. She also mentioned the Book Reading Club for all ages.

Dick Bender, 69 Wandle Avenue, complemented Mr. Angelo and the Service Department for patching the streets he was very pleased with all the work.

Chuck St. John, 943 Wenso Road, expressed his concerns regarding the lack of publicity the City of Bedford had in the newspapers. He felt the information should be mentioned in the newspaper, radio, TV because there were so many activities happening in the City. He suggested the City use the Secretary Gina at the Chamber to advertise for the City's events because she already had all the contacts. He stressed it was important to make Bedford a destination not just a location for residents. He figured there were costs involved but he wanted Council and the Administration to consider paying for event advertisements. Mayor Pocek was very proud of the Memorial Day Parade because he felt Bedford had the longest longevity since 1867 and dedicated event. There was some discussion about the Plain Dealer newspaper that had been notified of several events and City information that was not advertised in the newspaper. Mr. Angelo knew of several occasions when Ms. Gnoddie faxed a complete press release to the Plain Dealer and the information was not advertised. Mrs. Zolata noted that she had seen the Memorial Day Parade press release that Ms. Gnoddie faxed on May 5, 2011 which was not published.

Mr. St. John made a pledge on behalf of the St. John Funeral Home in the amount of \$500 toward World Changers. Mr. Angelo thanked Mr. St. John for his generous donation. He mentioned Mr. St. John was the most giving and he didn't know of anyone that wanted to see Bedford prosper more than Mr. St. John. He expressed he could not say enough good things about him regarding his generosity and efforts. [applause]

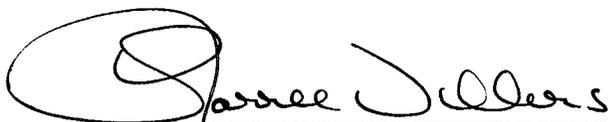
Mr. St. John announced the kick-off to The Party in the Park event that started at 7:00 pm to 9:00 pm every Wednesday during the summer season.

Mayor Pocek mentioned today was the 67<sup>th</sup> Anniversary of D-day. He said in 2006 he had the opportunity to visit Omaha Beach where this disaster happened. He reflected on the story his step-father had told him of when President Regan visited the cemetery overlooking Normandy. His step-father also told him of the horrible things he had experienced during this time. He urged everyone to watch the beginning scenes of the movie Saving Private Ryan to understand what these soldiers had experienced. He said in October 2006 he visited this cemetery, which was actually U.S.A. territory, where he found the cemetery very serene, peaceful with sparkling waters. He emotionally explained that the crosses were blank as you approached them, however, on the other side the names were engraved positioning the approximate 10,000 buried soldiers facing "home". He stated 1,000 Americans had died during this disaster. He shared the wording of the first cross he read, "Here lies a comrade in arms known only unto GOD" and the next cross was a young combat engineer from Ohio. He expressed it was the most tremendous emotional experience he had ever felt in his life. He offered a sample of sand if anyone was interested.

He wanted everyone to understand the significance of July 4<sup>th</sup> and what it really meant. He recommended that everyone watch the John Adams movie that explained the meaning of the Declaration of Independence. He summarized the movie scene after the men had signed the Declaration of Independence as the men looking around at each other in dead silence thinking to themselves, "What the hell did we just do? We told the greatest Nation in the World to go to hell and that we are going to be a separate nation". He urged everyone to read the first two paragraphs of the Declaration of Independence, which was the expression of an American political thought at that time.[attached] He felt the last sentence of the Declaration of Independence expressed the mindset of these men, "And for the support of this Declaration, with a firm reliance on the protection of divine Providence, *we mutually pledge to each other our Lives, our Fortunes and our sacred Honor*". He felt this quote was something we had lost in our Country. He stated these soldiers believed what they were doing was right and if it meant them dying then they would die. These men thought they were signing their own death warrants because the British had landed 30,000 troops with 8,000 German soldiers in Long Island to take back the colonies. He referred to the French writer Alexis-Charles-Henri Clérel de Tocqueville that once said "He doesn't know what the future holds for the United States but no nation has such a transcendental beginning like the United States". The United States was blessed by some great minds whom had their faults but they did the right thing. [applause]

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

Meeting adjourned at 8:48 P.M.

  
Clerk of Council

  
Mayor – President of Council