

**COUNCIL WORK SESSION
MONDAY, MARCH 21, 2011**

5:30 P.M. PROMPT

DINNER WILL BE SERVED

- **5:30 to 6:45 p.m. EXECUTIVE SESSION – COUNCIL ONLY –**
Personnel – Review resumes for Clerk of Council position
- DISCUSSION OF AGENDA
- DISCUSSION OF CEI POWER SURGE – Hank Angelo
- **EXECUTIVE SESSION –** Litigation and Negotiations

Bedford, Ohio

March 21, 2011

Bedford City Council met in a work session at Bedford City Hall on Monday, March 21, 2011 at 5:30 p.m. At this time, Bedford City Council went into an executive session to discuss personnel – review resumes for the Clerk of Council position. Executive session ended at 6:45 p.m.

Work Session began.

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

Discussion of the Regular Meeting Agenda began.

Councilman Pozar said the work session minutes of March 7, 2011 needed to be amended. There are several items he discussed that are not included in the minutes. He also asked Mr. Gambosi about amounts in the minutes, in regard to the purchase of the ambulance, and if they were correct.

Discussion about corrections to the minutes took place. Mr. Gambosi said the amount in the minutes is incorrect. The ambulance would cost approximately \$291,891.00, not \$400,000 over ten years as noted.

Councilman Pozar asked if the bond amount to purchase the ambulance could be used for anything else. Mr. Gambosi said no. He spoke with bond counsel today and it is specific to vehicles for the Fire Department or Service Department. The ordinances that were written in August when the bond issue was approved were very specific and therefore, cannot be used for any other purpose.

Councilman Pozar asked about the money being used for additional personnel in the Fire Department. Mr. Gambosi said it costs the City approximately \$93,500.00 per year per firefighter. The bond's purpose is only to purchase the ambulance.

Councilman Pozar said this purchase may not be prudent at this time because of the recent developments with the State of Ohio budget and cuts to the local government.

Mr. Gambosi said the City has already borrowed the funds for the purpose of purchasing the ambulance. The purchase was authorized when the ordinances for the bonds were passed, and during the budget hearings. The City determined what the bond money was to be used for during the process in August. The City has 36 months to purchase the ambulance.

Councilman Pozar asked about paying cash for the ambulance. Mr. Gambosi said the ambulance fund has approximately \$244,500.00 in it at this time. At the end of the year, it will have a balance close to \$234,000.00. If the City paid cash for the ambulance, the fund would be down to nothing.

The Mayor asked what the total amount the City took out in bonds was and what the payments are. Mr. Schuman said the City took approximately \$5 million in bonds out, and an approximate payment of \$75,000 a year per million is the payment.

Councilman Pozar asked if the bonds were callable. Mr. Schuman said not for ten years.

Mr. Angelo asked Councilman Pozar if he was looking to hire firefighters. Mr. Pozar said no.

A question about having three squads was asked. Chief Nagy said the Fire Department does run two squads and the third is the spare vehicle. He said the department gives enough calls away to mutual aid now and he would hate to have to do that on a more regular basis. The squads are rotated in and out of service to prolong them and lessen the wear and tear. If there is not a third squad the special events they attend will be extremely limited.

Councilman Pozar said the City can run a budget with a deficit. Mr. Angelo said no it cannot. Mr. Gambosi said if the City has a loss in the general fund it has to be balanced with the reserve funds.

Councilman Pozar said with the funds the City is losing from the State a wish list of items needed were numbered from 1 to 3, the new ambulance would be a 3.

Mayor Pocek said it was agreed to purchase the ambulance during the bond process. Mr. Angelo said Council was given a complete list of all projects and costs.

Mr. Schuman said the bond ordinance was very specific and spelled out the purchase of the ambulance. It is going to be necessary however, to decide if luxuries such as new police cars every two to three years and a third ambulance are needed. The City is looking at a \$500,000.00 deficit going forward. If the City had been aware the cuts the State was going to make, they would not have borrowed the amount they did. Mr. Schuman said it was the hope that the levy would have prevented this issue.

The Mayor asked what if the City only had two squads instead of three. Councilman Pozar asked if police vehicles qualified under the bond. Mr. Gambosi said no.

Councilwoman Zolata asked if any discussion with Maple Heights to purchase a squad between the two cities had been discussed.

Chief Nagy said there have been discussions with Maple Heights but the first vehicle being discussed as a co-purchase is a new ladder truck.

Councilwoman Mizensak said the ambulance that is being replaced is 13 years old and what will be done with it. Chief Nagy said it will be sold. Mr. Angelo said Bob Duber does a great job of selling the cities old vehicles on Ebay and recouping some money.

Councilman Pozar said the Chief has a job to do and presents to Council the tools he feels are necessary for the department. However, there are changes that need to take place throughout the City because of what is coming down the pipe from the State.

Chief Nagy said the ambulance was presented as part of the entire bond package in August. He asked if any members of Council had any questions of him.

Mr. Angelo said the Chief has been here for two meetings and if there are any questions they should be addressed. There were no questions asked. Mr. Angelo recommends the ordinance for the purchase of the new ambulance be passed tonight.

Chief Nagy left the meeting.

Mr. Schuman said Ordinance No. 8816-11 is amending Chapter 911 of the Codified Ordinances. There have been some issues with customers in regards to water meters, etc. He worked with Clint Bellar and Shawn Francis on these changes to clarify the services and access granted by City employees for certain purposes.

Ordinance No. 8817-11 is amending Section 151.18(g) of the Codified Ordinances. Mr. Schuman said P.E.R.S. amended the sick leave payout and will now exclude the months of November and December. This ordinance amends ours to have it in compliance with the change.

Mr. Schuman said Ordinances 8818-11, 8819-11 and 8825-11 are all work agreements with businesses allowing the City access to Wood Creek. These are necessary to have done because if not work on the culvert cannot begin. All three of the businesses worked with the City on this issue.

Councilman Saunders asked if Honda had been contacted about not unloading vehicles on Broadway during the construction. Mr. Schuman said numerous meetings were held.

Mr. Schuman said Ordinance No. 8820-11 is for a settlement with the contractor Do It All Paul. The contractor filed suit in Bedford Court for \$3,000.00. Mr. Schuman was not comfortable going to Court on this issue and agreed to pay half of the original bill and settle for \$2,300.00.

Councilman Batten asked how old the bills were. Mr. Schuman said between two and three years old. The City paperwork was not as clear as it should have been. Councilman Pozar said the ordinance states the contractor wants \$3,000.00 in his claim. Mr. Schuman said the original amount was \$4,100.00 but the contractor only filed for \$3,000.00.

Mr. Gambosi said Ordinance No. 8821-11 is required every five years. It is stating the banks the City can use as depositories.

Mr. Angelo said Ordinance No. 8822-11 is the contract for tree removal and trimming in the City. Empire Tree was the low bidder and has been doing the work for the last two years. Mr. Bellar spoke with Empire Tree in regards to some concerns he had, but overall the work was satisfactory.

Mr. Schuman said Ordinance No. 8823-11 is for water sampling that is needed. The Cuyahoga County Board of Health will be doing the sampling for approximately \$5,000.00.

Mr. Gambosi said Ordinance No. 8824-11 is for several appropriations. There is an overlap of grants from last year and the new grants for this year. There is also an appropriation for the \$8,000 adding the 4X4 option to the police vehicles purchased.

The last item on the agenda is Resolution No. 2442-11 objecting to Senate Bill 5. Mr. Schuman said there was a miscommunication between he and Kathleen on this issue. He was to have received information from Councilwoman Mizesak and Councilman Koci to work on rewriting the resolution.

Councilwoman Mizesak was not aware she needed to give the information to Ken but provided some possible changes for wording in Council's mail this weekend.

Mr. Schuman said the Ohio State of Representatives is scheduled to vote on it next week.

Councilman Pozar said to leave the resolution on the agenda, it is a flawed piece of legislation. Councilman Koci said the language is not what is important.

Mr. Schuman discussed what would take place if Senate Bill 5 passes. If it does, all the unions will be able to collectively bargaining its wages. The perks would be eliminated. Mr. Schuman said if Council votes in favor of the resolution, it will make negotiations difficult.

Councilman Pozar said minor issues are being gutted and legislation is in place to address this.

The Mayor supports collective bargaining and does not feel any city council should be the final arbitrator. Councilman Pozar supports collective bargaining too. The Mayor said there should be an independent arbitrator to handle these issues.

Councilman Pozar said the issue of this bill being an assault on the middle class is wrong. There are approximately 700,000 individuals in the State of Ohio employed by all government. The job as a council person is to represent their constituents and balance the budget.

Councilman Koci said it is an attack on the middle class. The unions have helped establish better pay rates for private citizens as well.

Councilman Batten said the resolution should be tabled until changes can be made to certain wording in it. Discussion on this topic was concluded.

The next item on the work session agenda to be addressed was the CEI power surge issue. Mr. Angelo said the City was encouraged by the PUCO to file a formal complaint on behalf of the citizens. The first step is to contact the 19 – 20 people that were involved. The PUCO said it does show negligence by CEI. Those lines are part of the worst 8% in the State and the equipment should have been addressed.

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

Work Session was adjourned at 7:55 p.m.


Clerk of Council


Mayor – President of Council

~~1.~~ CALL TO ORDER

~~2.~~ PLEDGE OF ALLEGIANCE

~~3.~~ ROLL CALL

~~4.~~ APPROVAL OF MINUTES

- a. Approval of Minutes of the Work Session of March 7, 2011
- b. Approval of Minutes of the Regular Meeting of March 7, 2011

~~5.~~ OLD BUSINESS

- ~~a.~~ Ordinance No. 8814-11, authorizing the purchase of one (1) 2011 Freightliner Horton custom series ambulance through the State Cooperative Purchasing Program (\$200,119.83) 1st reading – 03/07/11
- ~~b.~~ Ordinance No. 8815-11, authorizing additional options to the 2011 Freightliner Horton custom series ambulance from Horton Emergency Vehicles Company (\$10,758.00) 1st reading – 03/07/11

~~6.~~ REPORTS

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

~~7.~~ NEW BUSINESS

- ~~a.~~ Ordinance No. 8816-11, amending Chapter 911 of the Codified Ordinances of the City of Bedford
- ~~b.~~ Ordinance No. 8817-11, amending Section 151.18(g) of the Codified Ordinances of the City of Bedford
- ~~c.~~ Ordinance No. 8818-11, authorizing the City Manager to execute a work agreement with Suburban Equipment Holding Company
- ~~d.~~ Ordinance No. 8819-11, authorizing the City Manager to execute a work agreement with Parker Family Properties, LLC
- ~~e.~~ Ordinance No. 8820-11, approving a settlement with Do It All Paul (\$2,300.00)
- ~~f.~~ Ordinance No. 8821-11, designating several banks as the public depository for active and interim funds in the City
- ~~g.~~ Ordinance No. 8822-11, authorizing and directing the City Manager to enter into a contract with Empire Tree Service, Inc. for tree removal and trimming in the City on an as needed basis
- ~~h.~~ Ordinance No. 8823-11, authorizing the City Manager to enter into an agreement with the Cuyahoga County Board of Health
- ~~i.~~ Ordinance No. 8824-11, amending Ordinance No. 8760-10 making additional appropriations
- ~~j.~~ Ordinance No. 8825-11, authorizing the City Manager to execute a work agreement with 175 Broadway Limited
- k. Resolution No. 2442-11, objection to Senate Bill 5

8. HEARING OF CITIZENS

9. ADJOURNMENT

Bedford, Ohio

March 21, 2011

Bedford City Council met in regular session at Bedford City Hall on Monday, March 21, 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: Pozar, Saunders, Zolata, Batten, Koci, Mizesak, Pocek.

Councilman Pozar requested a correction to the minutes of the Work Session of March 7, 2011. The minutes are written that there is a \$400,000 cost over ten years for the ambulance purchase. Mr. Gambosi corrected that saying the actual ambulance purchase (Ordinance 8814-11) is approximately \$290,000 for ten years. The question became the method of payment as the City has in that fund the ability to pay for it in cash. Mr. Pozar questioned whether or not bonding out or going into further debt would be prudent at this time. The discussion held was lengthy and some of the very discussion was left off of the minutes basically because of the length and the speed that took place. To make the record clear before the vote this evening, the prudent approach to this in Mr. Pozar's view would be to pay for it in cash rather than go out and spend the money that has already been appropriated. It is understood that the money that the City bonded out and appropriated could also be used for other vehicles in the city. It does not have to be used specifically for this ambulance. The City did not know at the time that the State was going to cut back on our funding to a 25 percent level from state funds that Mr. Gambosi indicated would be in the neighborhood of \$300,000 that the City will lose this year. Going forward, Council is going to be asked to make some hard decisions, especially high ticket expenditures. It is Mr. Pozar's position that we get a specific cost per year for ten years on these equipment purchases and make a decision as to whether or not that is what we want to do. We are restricted in the way we spend this money that was raised through the bonds. Although the exact number in this case is under \$300,000, it is still Mr. Pozar's position that if possible the City should pay for this ambulance in cash.

Mr. Schuman asked if the motion to amend is the \$400,000 figure to the \$300,000 figure. Mr. Pozar said the motion is to amend to a specific figure as given by the Finance Director. Mr. Gambosi said the figure is \$291,892.00.

Mr. Gambosi said regarding the loss of local government funds, that loss will be starting this August. A full year of 50 percent, which is what the State is proposing, will be \$330,000 a year. The City will lose 5/12 of that \$330,000 this year. Next year will be a full \$330,000.

Motion made by Pozar and seconded by Batten to amend the minutes of the Work Session of March 7, 2011. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizesak, Pocek. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Pozar to approve the amended minutes of the Work Session of March 7, 2011. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizesak, Pocek. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Koci to approve the minutes of the Regular Meeting of March 7, 2011. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizesak, Pocek. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8814-11, an ordinance authorizing the purchase of one (1) 2011 Freightliner Horton Custom Series ambulance through the State Cooperative Purchasing Program and declaring an emergency placed on first reading March 7, 2011 was read by title only. Motion made by Batten 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, Mizsak, Pocek. Nays: Pozar. Motion carried.

Motion made by Saunders and seconded by Koci to place Ordinance No. 8814-11 on third and final reading and passed.

City Manager Angelo stated this has been discussed at length at various meetings. The Fire Chief is recommending this and Mr. Angelo is recommending passage. Mr. Angelo's concern would be if we were to spend the money and pay cash, that would take another \$291,000 out of the current budget which he does not think would be fiscally responsible at this time. This purchase is part of the bond program.

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

ORDINANCE NO. 8815-11, an ordinance authorizing additional options to the 2011 Freightliner Horton Custom Series Ambulance and declaring an emergency placed on first reading March 7, 2011 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: Saunders, Zolata, Batten, Koci, Mizsak, Pocek. Nays: Pozar. Motion carried.

Motion made by Mizsak and seconded by Saunders to place Ordinance No. 8815-11 on third and final reading and passed.

Mr. Angelo stated these are the options that would go with the ambulance.

Mr. Pozar said the \$10,000 is in addition to Ordinance 8814-11. City Council has in every case, in his memory in the last 20 years, supported the police and fire with every bit of equipment that they needed. Every time they came to us, whether it be technology or whether it had wheels, we would support it. We were blessed at that time with the ability to expect revenues from our major taxpayer in the area of \$2 million a year. We no longer have that luxury. As a result of good stewardship from this Council, we have accumulated a rainy day fund that right now somehow becomes the object of union negotiations. The money that we have set aside is earmarked for specific reasons and as a result we enjoy tremendous bond rating, one of the best in the County, which of course if we gave up we would lose. When it comes to making a decision or discussion for this type of purchase, we have come to a point where we are losing revenues, where we are not balancing our current tax revenues coming in with our expenditures going out, and we are drawing down on that reserve fund to operate the City. If this were a decision that we have to make based on a direct need this year, a specific sore spot in one of these operations, police or fire, it would be different. This vehicle is going to give our fire department a luxury of having three vehicles that do the same thing. A couple of reserves and a brand new one, which is great in good times. I look at this expenditure as being something that if we didn't make, we would be able to keep a couple of firemen employed in the next couple of years when crunch time finally comes. So for the record, I am 100 percent behind these guys, but it is our decision here as we are tasked with a decision to manage the tax dollars in a fiscally responsible manner and that is what we are trying to do. Unfortunately right now, there are certain circumstances that say we got to spend this on this vehicle and I want it to be clear on the record as to why some of us in the back of our minds say we shouldn't be doing this.

Mr. Angelo stated he doesn't want to leave the audience with any impression that the reserve is being touched in any way whatsoever. There is no plan whatsoever to touch that reserve through the remainder of this year. The plan that is in effect, to do the bond with a \$5.1 million bond, was put together by the administration, presented to Council and it is still a sound plan.

Mayor Pocek inquired if we decided not to purchase this vehicle, what happens to the bond fund. Mr. Gambosi responded he contacted bond counsel and they responded that because the ordinances were written towards vehicles only in the areas of service and fire, that is the purposes of the money. In lieu of an ambulance, you would have to choose in those areas where you could buy another vehicle. Recommended by bond counsel was to follow the original ordinances because there are some other situations regarding how the issue is done regarding IRS paying for some of our interest on these bonds. Had we known the State of Ohio, prior to issuance of the bonds, would have affected us this way too, that might have come into decisions too at that time.

Mr. Pozar said the period of time with which we have to spend this money is three years. If we defer this decision for one year, we could still use it and still follow the criteria just described. If we defer it for two years, we could do the same thing. If we held it in abeyance, we could utilize the funds that are there for other needs and other equipment. Mr. Pozar inquired if his statement is accurate.

Mr. Gambosi replied it was explained to him as long as it is for fire or service. He would need further clarification from bond counsel. Mr. Schuman stated we have three years to spend the money specifically for fire and service vehicles.

Mrs. Zolata stated she had her reservations about this and that we would have three vehicles. It was cleared up tonight that the oldest of these vehicles would be sold on E-Bay. Our reserve fund has not been touched and we do not want that to happen. It has been used against us. It is hoped our safety forces realize that we have always backed them and hope they reciprocate when we need that.

Mayor Pocek echoing comments about the reserve fund and that is not a negotiable item.

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

City Manager Angelo reported that Rockside Road work will begin March 28th. Maintenance of traffic will commence, signs are going up and construction is to begin again on April 5th. Road construction will take place on the north side of Rockside from the Enterprise drive through the intersection of Northfield Road.

For the benefit of residents who experienced water problems in their basements, we have begun flushing on Tudor, Thames, John, Henry, Best, both ends of Gould and Kenyon. We will be doing dye testing on Gould. The vac-all is out and is doing the storm inlets. We are trying to get problem areas addressed first and we also have a survey going on in the John, Henry and Best area.

Ken Schuman, Michelle Gnoddie, and I have been talking to attorneys regarding the outages that have taken place throughout the city. Going back, the question was should we file an informal complaint. Mr. Schuman did file an informal complaint and it has been pursued since then. It seems like it fell by the wayside, but it hasn't. There has been a lot of discussion. Having talked to the attorneys from the Ohio Consumer Counsel last week, they feel very confident that we should go ahead with the formal complaint. We discussed that with Council tonight. Council agrees based on the information presented to them from the OCC. With that in mind, there are about 30 people we had addressed letters to with 19 responding they wanted to be part of the informal complaint. We will address letters to those 30 people again letting them know they have the opportunity if they want the City to represent them. Our goal is there would be no cost based on the information from the OCC. If in fact there are costs that we are not aware of at this point, we would come back and make any further decisions based on what the costs would be. I appreciate the cooperation from the various residents who suffered the outages. A couple of them have

done a wonderful job of getting this going. Ken and Michelle have done an outstanding job talking to people from the OCC.

Law Director Schuman said in regards to the Governor's proposed budget, there are significant cuts to local government funds along with the phasing out of the CAT tax and complete elimination of the estate tax. It is in excess of a half million dollars that the State is cutting out of the City of Bedford's budget. This is another significant revenue cut. We will still be asking our employees to do more with less as all cities have to do at this time.

This is Clerk of Council Kathleen Lynch's last meeting. One thing that people don't always realize is the Clerk of Council works closely with the Law Director as far as writing ordinances, getting information to Council, and Council getting information to the Law Director. Over the course of the years Kathleen has been here, we have had an excellent relationship and she has done an excellent job for the City of Bedford. I will miss her and I wish her the best in her new endeavor. It is tough because the people here, although we don't always agree, we are all friends and we work together very well. Kathleen and I grew up together and we have known each other many years. I wish her well and thank her for all the help she has given me over the course of the last several years.

Mr. Schuman stated Mr. Gambosi is correct about the cuts that the State has made. There are three different areas they are cutting in and they are \$100,000 in estate tax, \$462,000 with CAT tax, and \$330,000 next year and cut from the budget every year. The \$462,000 CAT tax will be over eight years. These are significant changes that have taken place in the budget that we will have to adapt to.

Mr. Gambosi said that the Tax Department will be open on two Saturdays in April for convenience. We have had quite a few filings already this year. I would like to thank Kathleen for working with her and all the help she has done with the ordinances I put in and budget changes. I appreciate her patience with me and working very well with me during the years she has been Clerk of Council.

Councilman Batten thanked Kathleen for the few years she has been here. She has been a very good worker.

Councilman Koci wishes Kathleen the best of luck and thanked her. Andy Zolata, Marilyn's son, was the Channel 5 terrific teacher of the week. It was a well done piece. Channel 5 went into his classroom. Congratulations to Andy Zolata.

Mr. Koci and Mayor Pocek were at National League of Cities last week. When Mayor Pocek was running for Second Vice President of the National League of Cities, his platform was about civility. The NLC did adopt that and have a booklet on civility. While there, they learned of a number of things that would help the City. Not too long ago, we brought back the prescription drug program and our residents have saved over \$14,000. There is a utility service that has partnered with the National League of Cities where for a small fee of approximately \$4.00 a month, they will protect your sewer lines and come and clean them out. If they need repair, they will be covered for repair for the small monthly fee. Council and the administration need to discuss this further before the City approves. There are also a few other programs he will bring up in a future Council work session.

Councilwoman Zolata said the City is currently working on the issue of civility with the ministers. We are in the schools, we have meetings, and there is a lot going on with that. It centers on civility to each other. There was an ad recently on television that was upsetting. The ad has since been changed. It was a window company and it showed a young couple sitting at the table and a neighbor comes by and says I see you got new windows and the lady slams the window down to keep out the noise.

Mrs. Zolata said she will truly miss Kathleen. She has been a joy to have around.

Mrs. Zolata reported the Ward Meeting for Ward 3 is April 11th.

Mrs. Zolata stated Channel 3 news had a piece on the demonstration against SB 5 that happened at the square. There was a nice showing and several of us were in attendance. Also on Channel 3, there was a piece on Hull Corporation in Tinkers Creek Park. They use solar panels.

Councilwoman Zolata wished good luck to Kathleen and wishes her well.

Mrs. Mizesak inquired if there will be any changes in the City tax process. Mr. Gambosi responded his staff will be available to assist with taxes. Also the tax department will be open on two Saturdays in April from 9:00 a.m. to 1:00 p.m.

Mrs. Mizesak said at the Chamber of Commerce luncheon last week a group called World Changers presented. This is a group of 200 young adults that will be in Bedford in July. They will help people that need things done at their home such as building a handicap ramp.

Councilman Pozar wishes Kathleen well. He hopes she will be able to focus on her personal life with a little more predictability and be able to spend more time with her daughter. Mr. Pozar said Kathleen is giving up a lot, it is a basic sacrifice, and gives her credit for that. She is entering into a situation that is uncertain but weighed the differences and made that decision, and it is a strong decision. He wishes her well.

Mr. Pozar stated the U.S. Navy is celebrating the 100th anniversary of naval aviation this year. There is going to be about 20 commemorative events across the nation. It is an exciting time for those that have been in or around the Navy. There is a naval aviation museum in Pensacola, Florida. Mr. Pozar served there. Mr. Erdos also served in the Navy.

Mr. Pozar stated the railroad crossings at North Park and Willis are scheduled to be done over three weekends in June. The Monroe underpass will also be worked on in June. These upgrades will improve the area around the square.

Mr. Pozar said the turnout, according to the police department, was about 60 people at the SB 5 gathering at the square. Our State Senator was there and she talked about an attack on the middle class. I bristle when I hear that because the middle class that she talks about being attacked would be government workers in the state of Ohio. For those of us that read the paper, we found out that there are 785,000 government employees in Ohio which consist of state, federal and local governments. That represents probably about 6.8 percent of the population. We are talking about 6.8 percent of the population under attack by who or what. Those very people that are supposed to be being attacked are pretty well treated and well paid in this area. As a matter of fact, 70 percent of the other 93 percent make \$35,000 and that is the class that needs to be defended here in the city when we are making these considerations because they are the taxpayers. The taxpayers are not attacking the safety forces that protect them. Unfortunately, that was the message coming out on the square. As far as any real substance coming out of that, we may get an opportunity to debate that tonight at the end of the agenda on the final resolution.

Councilman Saunders wishes Kathleen good luck in her future endeavors. Having a more stable work environment, especially work hours, he knows it is important being a single parent and it isn't easy.

Mr. Saunders inquired if because the IRS moved the tax due date to April 18th if the city changed the due date also. Mr. Gambosi replied we are keeping it to April 15th and will extend it to April 18th for the lockbox and mail.

Mr. Saunders inquired when there is a water main break on a residential street, is it possible that it could be posted temporary no parking across from the area where the water main break is. Recently there was a water main break on Nordham and someone parked right across from where the break was. There was enough room that you could still fit a car down the street, but an emergency vehicle could not fit. Mr. Saunders would like this to become a part of our policy.

Mayor Pocek and the law director worked with Kathleen on a daily basis. I spoke with her a minimum of two or three times a day. She performed her job admirably. Our loss is Solon's gain. Mayor Pocek wishes Kathleen well.

Motion made by Pozar and seconded by Mizsak to group items C, D, and J on the agenda. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizsak, Pocek. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8816-11, an ordinance amending Chapter 911 of the Codified Ordinances of the City of Bedford to reflect several new sections and declaring an emergency was read by title only. Motion made by Koci and seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizsak, Pocek. Nays: None. Motion carried unanimously.

Motion made by Mizsak and seconded by Saunders to place Ordinance No. 8816-11 on third and final reading and passed.

Mr. Schuman said the Service Director and Superintendent of Water had contacted him regarding who is responsible for what pipes and water meters. These ordinances clarify that and also ensure that the City of Bedford has access to the water meters and the residents' property when it is necessary to work on the water meters. These ordinances also require notification to us if they are going to disconnect the water line.

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

ORDINANCE NO. 8817-11, an ordinance amending Section 151.18(g) of the Codified Ordinances of the City of Bedford and declaring an emergency was read by title only. Motion made by Saunders and seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizsak, Pocek. Nays: None. Motion carried unanimously.

Motion made by Batten and seconded by Koci to place Ordinance No. 8817-11 on third and final reading and passed.

Mr. Schuman stated that PERS changed the rules regarding what is pensionable regarding sick leave conversion payments. The City is implementing this to clarify exactly what sick leave conversion payments are subject to pension payments and which ones are not. It does not affect the hours of sick time that an employee accrues.

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

ORDINANCE NO. 8818-11, an ordinance authorizing the City Manager to execute a work agreement with Suburban Equipment Holding Company and declaring an emergency was read by title only.

ORDINANCE NO. 8819-11, an ordinance authorizing the City Manager to execute a work agreement with Parker Family Properties I, LLC and declaring an emergency was read by title only.

ORDINANCE NO. 8825-11, an ordinance authorizing the City Manager to execute a work agreement with 175 Broadway Limited 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 ordinances on three different days. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizsak, Pocek. Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Saunders to place Ordinance No. 8818-11, Ordinance No. 8819-11 and Ordinance No. 8825-11 on third and final reading and passed.

Mr. Angelo explained these three ordinances are involving temporary work agreements for the Wood Creek Culvert project on Broadway. For one of the three agreements, the gentleman was asking for \$10,000 for the use of his property. Mr. Schuman and Mr. Mallis negotiated to \$172.00. The other two will also be work agreements and we will be on their property. They are receptive to having us on their property. We have good citizens and businesses. The property will be videotaped and restored to the same condition. One of the conditions is that we are going to clean part of the stream.

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

ORDINANCE NO. 8820-11, an ordinance approving a settlement with Do It All Paul and declaring an emergency was read by title only. Motion made by Zolata and seconded by Koci to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizsak, Pocek. Nays: None. Motion carried unanimously.

Motion made by Mizsak and seconded by Saunders to place Ordinance No. 8820-11 on third and final reading and passed.

Mr. Schuman explained an issue arose of work performed on various city houses over the course of the last several years. This contractor believed he was owed \$4,100 and he sued for \$3,000. We resolved this issue for \$2,300 which is a fair resolution to put this behind us.

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

ORDINANCE NO. 8821-11, an ordinance designating Huntington Bank, Charter One Bank, Independence Bank, U.S. Bank, PNC Bank, Key Bank, J. D. Morgan Chase, First Merit Bank and Parkview Federal Bank for the active funds and Huntington Bank, Charter One Bank, Independence Bank, U.S. Bank, PNC Bank, Key Bank, J. D. Morgan Chase, First Merit Bank and Parkview Federal Bank for the interim funds and declaring an emergency was read by title only. Motion made by Zolata and seconded by Koci to suspend the rule requiring the reading of said ordinance on three different days.

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

Motion made by Zolata and seconded by Batten to place Ordinance No. 8821-11 on third and final reading and passed.

Mr. Gambosi explained that every five years we need a new contract for depository agreements. In going through our agreements, there are two banks that no longer exist with the names they had and we needed to add a new bank. This ordinance reflects these updates to our banks.

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

ORDINANCE NO. 8822-11, an ordinance authorizing and directing the City Manager to enter into a contract with Empire Tree Service, Inc. being the lowest, responsive and responsible bidder, 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: Pozar, Saunders, Zolata, Batten, Koci, Mizesak, Pocek. Nays: None. Motion carried unanimously.

Motion made by Koci and seconded by Batten to place Ordinance No. 8822-11 on third and final reading and passed.

Mr. Angelo stated bids were received for the tree cutting program. We received four bids which ranged from \$113,000 to \$350,000. The first three bids were very close - \$113,000, \$120,000 and \$129,000. Our recommendation is to accept the low bid which is Empire Tree Service, Inc. who has been doing the work for the last two years.

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

ORDINANCE NO. 8823-11, an ordinance authorizing and directing the City Manager to enter into an agreement with the Cuyahoga County District Board of Health and declaring an emergency was read by title only. Motion made by Batten and seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizesak, Pocek. Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Koci to place Ordinance No. 8823-11 on third and final reading and passed.

Mr. Angelo said this is part of our storm water Phase II activities that are required. There are about six that are required and one of them is part of the NPDES permit which would require monitoring of all the various outfalls in the city. Those outfalls will be tested, sampled, and mapped. The County Board of Health will be doing the work. The price is \$5,500 which is a good price for the amount of work that will be done.

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

ORDINANCE NO. 8824-11, an ordinance amending Ordinance No. 8760-10 making additional appropriations for current expenditures of the City of Bedford, Ohio during the year 2010 and declaring an emergency was read by title only. Motion made by Koci and seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Pozar, Saunders, Zolata, Batten, Koci, Mizensak, Pocek. Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Mizensak to place Ordinance No. 8824-11 on third and final reading and passed.

Mr. Gambosi stated this is the March update for the budget. We are looking at all grant funds that were not spent from 2010 that need to be reappropriated into the current year. The only additions are for the police department for the four-wheel drive additions we approved at the last Council meeting and the bond proceeds.

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

RESOLUTION NO. 2442-11, a resolution objecting to Senate Bill 5 which would eliminate collective bargaining for state employees and reform collective bargaining rules for local government employees and declaring an emergency was read by title only.

Motion made by Batten and seconded by Saunders to table Resolution No. 2442-11. The roll was called. Vote – Yeas: Saunders, Zolata, Batten. Nays: Pozar, Koci, Mizensak, Pocek. Motion failed.

Motion made by Mizensak and seconded by Koci to adopt Resolution No. 2442-11.

Councilman Koci stated Senate Bill 5 is to change the collective bargaining structure for unions in the public sector which affects our people here, and in the County and State. There needs to be some tweaking done to the collective bargaining act. It has been here for 28 years. It has worked for 28 years. It is a very minuscule part of the budget for what the Governor is trying to balance. It is going to affect 785,000 workers and their families. It was mentioned that \$35,000 is an average pay and what the other 70 percent of working people make. The reason they make \$35,000 and not less than that is because there are unions in the state. It has been proven that any state that has union representation, the private sector also has higher than normal wages. States that do not have the union presence, the right to work states, have a lower average wage for the non-union people. It does affect everybody.

Mr. Koci said the reason he is against SB 5 is it needs to be looked at. Mr. Koci was a member of the bargaining unit of the Fire Department 28 years ago when they signed the first Fire Department union agreement under collective bargaining in the state. Rocky River got higher publicity because they had to take their city to court to get them to sign off on it. Bedford signed off a few days before Rocky River. This bill does need to send a message to union workers that people are looking at this and it cannot be business as usual. We have to sit down and look at better ways to come to our agreements. The law has been affective and should continue. This is only a small part of the whole problem of what is going on with the new Governor. He has already cut back prevailing wages for public school building projects which means you do not have to get union wages to work on it. Even if workers were non-union, they still had to get paid union wages.

Mr. Koci is a proponent of unions, he grew up in a union house, his dad was a Teamster and later a United Auto Worker. Mr. Koci belongs to the International Association of Firefighters through the AFL-CIO and his son-in-law is a union brick layer so the prevailing wages affect him. What that is possibly going to do is drive him out of the state to try to maintain the standard of living. If his family has to do

that, he will lose his grandkids. That would devastate him and his wife if they had to move to maintain his standard of living.

This is a union busting package. We do need to go through it and find better ways to negotiate. This is the message that needs to go to the union. Back when he was elected by his colleagues to be the union president for the local, he sent a letter to the administration stating that anytime there is a need to sit down and discuss an issue, the Fire Department would be happy to discuss and to work together. That is the spirit that should continue to be done and we need to talk to people before we get into heavy negotiations. Union representation is way less than it was when we did have a bigger, broader union base. Conditions seemed to be better in the states back in the 1950's and 1960's when there were more unions. It seems as the unions have declined, so has the economy. It is unknown if there is a direct correlation or not, Mr. Koci has no evidence to back that up. We need to send a message that you cannot totally destroy a program without trying to work on a change. There were no changes offered. That is why he is against SB 5.

Councilman Saunders said he is in favor of collective bargaining. He worked for the County for six years prior to the collective bargaining law going into effect. He knows what it was like prior to collective bargaining as opposed to what it was like afterwards. He was a public employee that was non-union. The way it was set up before it was strictly merit raises. Why they used the word merit is beyond him as it was more like a brown nose raise. If you brown nosed your boss, you got a raise. At least with the collective bargaining, even the non-union public employees usually got what the union negotiated. It improved and plus it increased the morale which made people work better. The way SB 5 is written is like a lot of things in this society today. We are in a throwaway society. If a few things are broken, throw it away. That is not how this should be. This was rushed and put together too quickly. It should have been analyzed better. Sure there are abuses. There are abuses in everything. They need to sit down, analyze this bill piece by piece. If you are going to make it so it is merit raises, make it with performance standards completely and not just for teachers, which is part of the bill, but for everybody. That way you take the brown nosing out of it. If you look at the number of employees just on the state level alone that the state had 25 years ago and compare it today, you will see a big difference. Certain laws required more hiring at the state level. Everyone knows that if you are going to cut the budget, the only way you are going to do that is through employee eliminations and becoming more efficient. This Governor has decided to push this onto the local governments. A lot of the local governments have been cutting for the last couple of years and are already bare bone budgets. There is not much more to cut. Mr. Saunders does not agree with some of SB 5 but he also does agree with some of SB 5. It needs to be reanalyzed and come up with something that is more conducive to what is really needed.

Councilman Pozar said we talk about something that has been rushed together in outrage. Essentially this is not an issue for City Council to be dealing with. It is a touchy feely thing that for some reason we are involved in. Let us know that no matter what the outcome, we are not going to be able to affect what is going on in committees in the State House right now.

Mr. Saunders makes a good point. You can't throw the baby out with the bath water. I can appreciate Mr. Koci's affiliation and the brotherhood for which he came, and union families from which many of us were raised in. But that is not the issue. The issue here is that we have taken an oath to support the Charter of the City of Bedford and the Constitution of the State of Ohio. Our first obligation is to our neighbors, our constituents and the taxpayers. If we look at the State of Ohio's situation right now where there is \$8 billion deficit, there is an \$8 billion deficit for a reason. We have 11.5 million people in the state. If you take that \$8 billion this year that means that everyone here, your spouse and your kids all would need to pony up \$695 to balance this budget. Where is the money going to come from? If there is a deficit again next year and it is not made up, then we have another \$695 per person in the state.

We talked about the private sector and 70 percent of the private sector makes \$35,000. Perhaps some of those gains happened when unions were really useful because there were abuses. We get back to this fire truck and emergency squad issue of \$300,000 and I am simply saying to preserve a job and a fireman, we should think first about maybe preserving one of those fireman's jobs. As the finance director pointed out, \$300,000 would only pay for one fireman for three years. In other words, the cost to the City for a firefighter is \$93,000. I can understand why the unions are coming out saying to wait a minute you are going to kill this goose to lay the golden egg here. You are going to start really looking at things and apportioning things and questioning things. We are a community here and we are hiring people. We are hiring people to do a job in accordance with what we can afford to pay them, not what we are bludgeoned into doing. We are bludgeoned by some law saying we must cut someplace else because we are going to make you continue paying these wages.

Collective bargaining is needed and it is absolutely supported, unfortunately the system has gotten to where this collective bargaining no longer is collective bargaining. The unions say go ahead if you are not going to give us some of that reserve fund you have, even though you can't balance the budget this year on your revenues. We want some of that reserve and that is what we are going to take in the form of wage increases. Even though that happens, we being the management say let us negotiate. Collective bargaining is final. In collective bargaining, if the City says we cannot afford a raise and the unions say we want three percent, collective bargaining does not allow us to agree to two percent or 1.5 percent. Collective bargaining says it is either nothing or three percent. As long as we have \$6 million in the bank, even though we are not keeping up with our expenditures, the arbitrators are going to say give them the raise. The Plain Dealer yesterday had a good summary of the misconceptions that are out there about this debate, what prevailing wages are, how they work, and what teachers get and what they won't get. There is so much of this that is misconception and so many people are saying it is an attack on the middle class. No it is not. Our Senator says in public this is going to be a straight out attack on the middle class. This is an attack on organized labor when the wages are twice what they are in the private sector. It is not eliminating collective bargaining, it is altering it. It is binding arbitration that needs to be looked at.

This Council understands that 61 percent of Americans oppose measures. Would 93 percent of the Ohioans, if they are told they have to come up with an extra \$600 to \$900 a year to support this, would they say they are for it. I don't think so. This is talking about that this Council believes that this budget crisis is used as an excuse to eliminate collective bargaining. There is a crisis here and throughout the country. There is no money. We just got cut back from the State and they are saying this Governor is on a rampage because he has no heart. He just doesn't care politically if he gets reelected and he is going to make these changes and do something that the previous Governor would not do and that is come up with a budget. When this Council takes up an issue like this, be prepared to answer to your constituents as to what business do you have doing it. We are elected here to make the decisions for this community, in budgeting, and in favor of your taxpaying constituents. Not in favor of a union that has bludgeoned us into a position where we got budgetary problems. So those of you who are going to vote for this, you are simply saying your priorities are a union support and the support as business as usual and we got these gains so let's keep them and let us not even get to the bargaining table and let us not even be considerate of what the reality of these times are. It will reflect what position you come from and where you think your obligations lie.

Mayor Pocek said Mr. Pozar is correct about this resolution being meaningless. People have the right to talk to their task masters and there should be a give and take. The biggest issue with this is the fact that the arbitration rules have changed. Some in the administration like this and some don't. The arbitration becomes the legislative body of the City. If there is impasse between the City and the workers, the City Council becomes the ultimate authority. What if future Councils have a disagreement with the City Manager or the Mayor, it becomes more of a political issue. An arbitrator should be an independent authority not going one way or another and to actually arbitrate and settle it. If they want three percent

and you offer one percent, it is one or the other. It should not be that way. There should be a true arbitration. That is one of the main reasons he will vote in opposition of SB 5. Mayor Pocek read a passage from Edmund Burke, an Englishman who did a lot with the common law that eventually influenced American national government:

The defense of the principals of the representative government against the notion that elected officials should be merely delegates. It ought to be (inaudible) in the glory of a representative to live in the strictest union in the closest correspondence and the most unreserved communication with his constituents. Their wishes ought to have great weight with them. Their opinion, their high respect, their business (inaudible) attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions to theirs and above all ever and in all cases to prefer to their interest to his all. But his unbiased opinion, his matured judgment, his enlightened conscious. He ought to not to sacrifice to you, to any man, or to upset any man living. These are not derived from your pleasure. Know from the law and the constituent. There are trust from providence for the abuse of which he is deeply answerable to. Your representative owes you, not only his industry, but his judgment and if he betrays that instead of serving you he sacrifices to your opinion.

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

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

Nancy Kusek, 99 Wheelock, said thank you for pursuing the complaint about the power surge. It was in the newspaper on January 18th that Mr. Chack was promoted to the President of First Energy. He made the statement you treat customers as important because they are. That statement made Mrs. Kusek mad. She wrote him a letter congratulating him on his promotion and asked him if he really meant what he said because she does not feel she and her neighbors were treated as important. Mr. Chack did call Mrs. Kusek and said he would check into it. Today Mrs. Kusek received a call back from him. He said he looked into this and she received the same information. Mrs. Kusek shared the details of her conversation with Mr. Chack about the history of this circuit, transformer, outages, meetings with Mr. Killen, conversation with CEI, etc. that have been determined over the last year. Mr. Chack told Mrs. Kusek that the PUCO found CEI not responsible. They also spoke about the incident that occurred in South Euclid where CEI was at fault.

Valerie Emmert, 83 William, commented that she is disappointed with Council. What she got out of the 1774 excerpt that was read was different than what was stated. To her that excerpt meant that representatives should have as their first heart the wishes and desires and needs of their constituency. Their opinions or judgments or needs should be secondary because they are public servants. In her opinion, it is not shown having the servants' heart because you did not hear on this issue, before you voted on the resolution, what the constituents want and what the residents feel. It had only to do with what is in your own mind in terms of what your personal reasons were for having to put this public record out here today after the public appearance of yesterday. Having been asked to speak before the vote, what Ms. Emmert would have said that Council is elected to manage the affairs of the City of Bedford. We don't pay you to lobby the state government. She opposes the idea of resolutions on a municipal level with regard to state or federal affairs. Local government should not get into that. She would have asked to abandon it completely, but it is already done. She said she is disappointed and would like to think that perhaps Council should think about what this is saying and wouldn't do this in the future. It is going to be a long four years with Kasich and this may happen again. Ms. Emmert said if any of you have lost interest in serving as Council persons and have a burning desire to impact state legislation, she strongly

urges you to consider the possibility of resigning your current office and running for state representative instead.

Jean Sapir, Cuyahoga County Public Library, Southeast Branch, 70 Columbus, said on Saturday, April 2nd at 2:00 p.m. there is a cooking demonstration for making traditional nut and poppy seed rolls. The second annual novel tea on Saturday, May 21st, and an Ohio author of the Ohio Amish mysteries that take place in Holmes County will be speaking. Ms. Sapir said that she often bring information about things happening at the library like programs to educate, fascinate and communicate such as the homework center, career center counselor, classic story times, and computer classes. Cuyahoga County Public Library has six priorities that drive everything they do. They insure every child is ready to learn, help you reach the maximum potential, put Cuyahoga County back to work, keep seniors happy, healthy and independent, connect with new Americans, and connect with reading. They always strive to improve and to bring to the community services and programs that are needed and wanted. They are always open to hear from Council, Administration, and members of the community feedback, ideas, and suggestions.

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

Meeting adjourned at 9:25 P.M.


Katherine Lynch
Clerk of Council


Daniel S. Poach
Mayor – President of Council