

**COUNCIL WORK SESSION  
MONDAY, NOVEMBER 15, 2010**

**5:30 P.M. PROMPT**

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**DINNER AT 5:15 P.M.**

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- BUDGET HEARING – 5:30 P.M. – BUILDING DEPARTMENT
- DISCUSSION OF AGENDA
- DISCUSSION OF CITY WEBSITE – Mr. Mallis
- **EXECUTIVE SESSION** – Personnel

Bedford City Council met in a work session at Bedford City Hall on Monday, November 15, 2010 at 5:30 p.m.

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 Building Commissioner Phil Seyboldt.

Mayor Pocek began the Work Session with discussion on the potential sale of the convent at the Sisters of Charity property on Broadway.

Mr. Angelo said there was a meeting with a non-profit agency, Larsh, who has several group homes in Cuvahoga County for individuals with mental handicaps. Larsh would like to purchase the property and renovate the building to accommodate 14 to 18 individual apartment style homes. The individuals that live in their homes have full capabilities. They would have 15 full-time employees, and eventually would like to have an adult daycare on site. Mr. Angelo said they would keep the lease with Catered Elegance. They asked the City for a letter of support to be sent to the Sisters of Charity.

Mayor Pocek said it is a secluded area and is probably the best possible use for the facility. Mr. Angelo said Larsh has worked with Northcoast Homes in the past on other projects and has had them tour the facility already. Northcoast told Larsh the facility is in good condition and could be renovated.

Councilman Saunders asked about the four or five homes that the Sisters of Charity also own around that property. Mr. Angelo said those will not be included in the sale, there are nuns living there and they will stay. Mr. Angelo said Larsh is a faith based operation. Mayor Pocek said Larsh is currently running the bingo at Catered Elegance for the Sisters of Charity. Mr. Angelo said it has been difficult to help those interested because there has been very little if any information provided by the nuns.

Councilman Pozar asked if this would affect the infrastructure of the City services. Mr. Seyboldt said there should be no issue with that.

Mr. Angelo said there are currently five group homes in the City. Councilwoman Zolata said the same type of agreement that was put in place with Education Alternatives could also be put in affect with this organization.

Councilman Pozar said if they want a letter of support he is ok with it. All members of Council agreed a letter of support should be sent.

At this time, the budget hearing for the Building Department began. Mr. Seyboldt began with a summary of the year. There are still major issues with foreclosures, and the housing program is on the downward slide. Mr. Seyboldt said by spring there will be no more construction on the houses, only marketing to sell them.

In 2006, there were 650 foreclosures in the City of Bedford, approximately 12.5% which is the County average. In 2008, there were 171; 2009 – 180 and 2010 – 175. The people losing their homes now are those that have lost jobs and cannot find employment. Mr. Seyboldt said there are approximately 350 vacant homes in the City now. The department is in the process of updating all inspections and scoring them from 1, being very good, to 10 being very bad. He said the department has slacked on maintenance issues and will be correcting that.

Mr. Seyboldt said the Housing Court Judge in Cleveland Municipal Court has implemented a very effective program. He has set up a meeting with the Judge, Mr. Schuman and himself to see if some of what he does can be done in Bedford Municipal Court and with the 13 other municipalities that go there.

Councilman Pozar said once the housing program is completed what will happen to Leonette Cicirella's job. Mr. Seyboldt said until all the houses are sold, her focus will be on marketing. It will be determined what role she may be able to provide regarding foreclosures, she is an attorney.

Councilman Pozar asked about the Judge in Cleveland. Mr. Seyboldt said he is an advocate of owner and tenants, but hard on the banks. Mr. Pozar said the same application should be applied at our Court. Mr. Seyboldt is hopeful that it will. Mr. Pozar said it sounds like a great idea.

Councilwoman Zolata commended the housing program and the work the department has done on it. She asked if Leonette's pay increase was implemented. Mr. Seyboldt said yes it was. Mrs. Zolata asked if the houses the City has are sold "as is". Mr. Seyboldt said yes, all the houses are sold as is.

Councilwoman Zolata asked about the account for 97 Flora. Mr. Gambosi said that was a house the County gave the City a grant to rehabilitate for \$100,000. The house was sold for \$80,000, and \$66,000 goes to the County and the City is able to keep \$14,000. Mr. Gambosi said the general fund is low because of the advances the City has had to do on the housing program, but it will come back, hopefully by next year.

Councilwoman Mizsak said Brian Lewis is doing a nice job on the houses. She asked about the house on W. Glendale that had windows boarded up. Mr. Seyboldt said that was repaired and the property assessed. She asked how often the City pursues the banks to make repairs. Mr. Seyboldt said they make all the proper notifications when necessary. He said the banks are now encouraging people going through foreclosure to stay in the property, but every bank has different rules.

Councilman Saunders said 224 Logan is now in foreclosure and the lady moved out, he asked that this house be put on the vacant home list. Councilman Saunders said on page 84 there is \$35,000 for building repairs. Mr. Seyboldt said that is for the soffits at City Hall.

The Mayor asked about the brick on the Fire Department. Mr. Seyboldt said that section of masonry froze before it dried. He tried to have the company repair it, but they have since gone out of business.

Councilman Batten said on page 21 under rents, leases, etc. in 2008 it was \$52,000, 2009 - \$84,000, 2010 - \$115,000 and this year it is budgeted for \$147,000. Mr. Seyboldt said a portion of that has to do with cleaning services. There was a company that was doing it, but they were doing a very poor job so they were fired. There are now several part-time people doing the cleaning. The payroll went up on this but the maintenance agreement is down.

Discussion of the Building Department budget was concluded.

The next item on the work session agenda was the discussion of the regular meeting agenda.

Since Mr. Seyboldt was in attendance, they began the discussion with Ordinance No. 8758-10 and Ordinance No. 8759-10. The first ordinance establishes a chapter for solar energy systems and the second ordinance establishes a new chapter on wind energy systems.

Mr. Seyboldt said the Planning Commission met three times and with several experts on both types of green energy. It is highly unlikely that a wind energy system will be allowed in the City due to several different requirements. However, solar energy panels is something the City is beginning to see so it is prudent to have established rules and regulations.

Councilman Pozar asked if the City had any regulations now for these items. Mr. Seyboldt said the only chapter that would be applicable is 1947 for accessory use. Mr. Pozar asked if it were really necessary to require four permits for a solar panel. Mr. Seyboldt said yes, to ensure the proper panels are being used and do not affect the neighbor of those wanting to put them on their property.

Mr. Angelo said Ordinance No. 8742-10 is the agreement with Doty & Miller for help with the NOPEC grant. Their agreement has been modified and reduced from \$23,000 to \$15,450, reflecting the change for the City becoming part of the County Municipal Energy Program.

The next item on the agenda is the conditional use approval of a Type "A" daycare from a Type "B" daycare at 15 Magnolia. It was put on the table at the October 18<sup>th</sup> meeting.

Mr. Angelo provided all members of Council with the letters from surrounding business, the school district and the County from Ms. Stark-Hughey. Mr. Angelo said there are eight daycares in the City. However, those in residences only need Council approval when they want to have more than six children.

Councilman Batten said this would mean there are better regulations with more children. Mr. Angelo said the County performs checks on in-home daycares with six children or less.

Mr. Schuman said Ordinance No. 8752-10 is amending the chapter on sweepstakes terminal cafes. The changes made are better for the City. Ordinance No. 8753-10 was amending the pay scale to flip flop the starting pay ranges for the Economic Development Director and the Recreation Director.

Mr. Angelo said Ordinance No. 8754-10 is the old Walgreens building on Broadway, it is a nuisance. Ordinance No. 8755-10 is selling the residence at 9 W. Interstate for \$75,000, the asking price was \$79,000. Both Ordinance Nos. 8756-10 and 8757-10 are repairs on City owned homes.

Mr. Gambosi said Ordinance No. 8760-10 is the budget for 2011 and asked that it be put on first reading until the conclusion of the budget hearings.

Mr. Angelo said Ordinance No. 8761-10 is the agreement with Devore for the computer systems upgrade the City is doing. It will cost \$3,300 per month and can be opted out of with a 30 day notice. Mr. Angelo said an IT Administrator could not be hired full-time for this amount so it is the best option for the City. It will make everything in the City compatible and will give us coverage 24/7.

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

Work Session was adjourned at 7:45 p.m.

Clerk of Council



Mavor - 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 October 25, 2010 - *pts=all*
- b. Approval of Minutes of the Work Session of November 1, 2010 - *BTZ=abstain m*
- c. Approval of Minutes of the Regular Meeting of November 1, 2010 - *stm=all ↓*

5. PRESENTATION - *city manager - Mike Millet*

- a. Presentation of donation to Meals on Wheels Program by the Bedford Firefighters Local 1683

6. OLD BUSINESS - *11*

- a. Ordinance No. 8739-10, amending Section 749.08(b) of the Business Regulation Code pertaining to sweepstakes terminal cafes - Tabled 10/18/10 *KTZ=all 1st-2+B?*
- b. Ordinance No. 8740-10, amending Section 749.13 of the Business Regulation Code pertaining to sweepstakes terminal cafes - Tabled 10/18/10 *NO*
- c. Ordinance No. 8742-10, authorizing the City Manager to enter into an agreement with Doty and Miller Architects to assist the City in implementation of programs funded by the NOPEC Powering Our Communities Grant (\$23,000.00) - 1<sup>st</sup> reading 10/18/10, 2<sup>nd</sup> reading - 11/01/10 *pts=all 1st MTP=NO*
- d. Motion to accept the decision of the Planning Commission to approve the conditional use for a Type "A" day care from a Type "B" day care at the residence at 15 Magnolia, Bedford, Ohio - Tabled 10/18/10 *\$15,450 - motion to amend ZTK?*

7. REPORTS

- a. City Manager
- b. Law Director - *NO*
- c. Finance Director - *NO*
- d. Council Reports

*↳ remove table - stz=all*  
*↳ stz=NO - 4 to 3*  
*↳ S - MTS=all*  
*3 - KTZ=all*

8. NEW BUSINESS

- a. Ordinance No. 8752-10, amending Chapter 749 of the Bedford Codified Ordinances entitled "Sweepstakes Terminal Café"
- b. Ordinance No. 8753-10, amending Ordinance No. 8741-10 and amending Chapter 151 of the Codified Ordinances pertaining to pay ranges
- c. Ordinance No. 8754-10, declaring the property and structure located at 647 Broadway a nuisance and ordering action
- d. Ordinance No. 8755-10, authorizing the City Manager to execute a purchase agreement with Frank Petrash selling the residence at 9 W. Interstate (\$75,000.00)
- e. Ordinance No. 8756-10, authorizing the City Manager to enter into a contract with Lewis Development & Maintenance Company for various repairs at 526 Belle (\$2,600.00)
- f. Ordinance No. 8757-10, authorizing the City Manager to enter into a contract with R&M Development Corporation for various repairs at 775 Lincoln (\$3,450.00)

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- ~~g.~~ Ordinance No. 8758-10, enacting Chapter 1961 of the Bedford Codified Ordinances entitled "Solar Energy Systems"
- ~~h.~~ Ordinance No. 8759-10, enacting Chapter 1963 of the Bedford Codified Ordinances entitled "Wind Energy Systems"
- ~~i.~~ Ordinance No. 8760-10, City of Bedford 2011 Appropriation Budget
- ~~j.~~ Ordinance No. 8761-10, authorizing the City Manager to enter into an agreement with DeVore Technologies, Inc. to assess and upgrade computer systems (\$3,300.00/per month)
- ~~k.~~ Ordinance No. 8762-10, amending Ordinance No. 8534-09 making additional appropriations
- ~~l.~~ Motion to appoint George Kopec to the Bedford Arts & Cultural Board - *KT M=Fall*

~~9.~~ **HEARING OF CITIZENS** >

~~10.~~ **ADJOURNMENT** - *KT 5-7*

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

Bedford, Ohio

November 15, 2010

Bedford City Council met in regular session at Bedford City Hall on Monday, November 15, 2010. 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: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten.

Motion made by Pozar seconded by Saunders to approve the minutes of the Work Session of October 25, 2010. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Batten seconded by Zolata to approve the minutes of the Work Session of November 1, 2010. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizsak to approve the minutes of the Regular Meeting of November 1, 2010. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

At this time, the City Manager asked Firefighter Mike Millet of the Bedford Firefighters Local 1683 to come forward. Mr. Millet said the Fire Department always tries to give back to the local community and this is the second year they will be making a donation to the Meals of Wheels program. Mr. Millet presented Alma Rhine from the Meals on Wheels program with a donation for \$500.00.

Mrs. Rhine thanked Mr. Millet for the donation and said if people could volunteer one hour a week to deliver the meals that would be greatly appreciated.

The Mayor said Ordinance Nos. 8739-10 and 8740-10 both deal with sweepstakes terminal cafes, and they will be defeated because the Law Director has made other changes in one, new ordinance.

**ORDINANCE NO. 8739-10**, being an ordinance amending Section 749.08(b) of the Business Regulation Code and declaring an emergency, tabled on 10/18/10 remains on the table. Motion made by Koci seconded by Batten to remove Ordinance No. 8739-10 from the table. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Batten to place Ordinance No. 8739-10 on first reading. The roll was called. Vote – Yeas: None. Nays: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Motion carried unanimously.

**ORDINANCE NO. 8740-10**, being an ordinance amending Section 749.13 of the Business Regulation Code and declaring an emergency, tabled on 10/18/10 was read by title only. Motion made Pozar seconded by Saunders to remove Ordinance No. 8740-10 from the table. The roll was called. Vote - Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Mizsak seconded by Pozar to place Ordinance No. 8740-10 on first reading. The roll was called. Vote – Yeas: None. Nays: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Motion failed unanimously.

**ORDINANCE NO. 8742-10**, an ordinance authorizing the City Manager to enter into an agreement with Doty and Miller Architects and declaring an emergency placed on first reading 10/18/10 and second reading 11/01/10 was read by title only. Motion made by Zolata seconded by Koci to amend Ordinance No. 8742-10 from \$23,000.00 to \$15,450.00. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to place Ordinance No. 8742-10 on third and final reading and passed.

The City Manager said the change is in the amount from \$23,000.00 to \$15,450.00. The City is seeking assistance from the County for audits as part of the NOPEC grant.

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

Motion made by Saunders seconded by Zolata to remove the decision of the Planning Commission to approve the conditional use for a Type “A” day care from a Type “B” day care at the residence at 15 Magnolia, Bedford, Ohio from the table. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Pozar, Saunders, Zolata, Batten. Motion failed.

Motion made by Saunders seconded by Zolata to accept the decision of the Planning Commission to approve the conditional use for a Type “A” day care from a Type “B” day care at the residence at 15 Magnolia, Bedford, Ohio. The roll was called. Vote – Yeas: Saunders, Zolata, Batten. Nays: Koci, Mizensak, Pocek, Pozar. Motion carried.

The City Manager said the Solon Road project is beyond its time limit. The company requested an extension and the City has denied that request. Mr. Schuman is working on liquidated damages. There were a couple of issues brought to his attention on the other street improvements from the bond money, and those are being taken care of. Mr. Angelo thanked Councilman Saunders for bringing some problems on Rockside Road to our attention. It is a County project and the City’s Engineer, Joe Ciuni, did inform the County that there are certain portions that are not acceptable and asked them to make the improvements.

No report from the Law Director.

No report from the Finance Director.

Councilman Saunders said on Saturday, November 20, 2010, Boy Scout Troop 447 is having their annual Spaghetti Dinner from 4:00 p.m. to 8:00 p.m. at the VFW on Northfield Road. It is one of the troop’s major fundraisers for the year. Mr. Saunders has tickets or they can be bought at the door, they are \$8.00 for adults, \$4.00 for children and anyone 5 and under is free. They also offer takeout. The troop has done a number of projects in town throughout the years.

Mr. Saunders said the street improvements are finishing up. Woodrow and Adams are now finished, and have turned out really nice. There are new curbs on Woodrow.

Mayor Pocek said the Tree Lighting Ceremony is on Wednesday, November 24 at 6:00 p.m. on the Square. It is the City Manager's first one, and the Mayor keeps telling him that he is in for a special night.

Councilman Pozar asked Mr. Angelo about the response to the letter the Superintendent of Public Works sent to residents on Gould regarding the water issues. Mr. Angelo said they have not received any responses that he is aware of. Mr. Angelo will check with Mr. Bellar. Mr. Pozar asked if there has been a request made by the Baptist Church on Wandle for a daycare center. Mr. Angelo said no, but they did talk about it at the Planning Commission meeting. Mr. Pozar asked if a permit is required for their normal babysitting service during church services on Sunday. Mr. Schuman said no. Mr. Pozar said the only way a permit is required is if in the event they wanted to do an ongoing daycare service. Mr. Schuman said yes, with more than 6 individuals.

Councilwoman Mizensak welcomed her constituents in the audience. She asked Mr. Angelo if there would be any culling of the deer by the Metroparks. Mr. Angelo said there have been recommendations from residents about culling the herd and after meeting with the Police Chief, it is the position that the suggestions will not be accepted. Mr. Angelo said how the Metroparks culls the deer on their property is up to them. Mrs. Mizensak asked if Mr. Angelo could speak with the Metroparks to see when they will do their culling. The Mayor said it is normally done in the winter.

Councilwoman Zolata said after the tree lighting there is a religious type service at the old church on the Square. It includes most of the churches from the area and is not a very long service. She commended the Service Department on the leaf pick-ups. They have been around and are doing a great job. She wished everyone a Happy Thanksgiving. The Salvation Army puts on a dinner this Sunday.

Councilman Koci said the tree lighting is right at 6:00 p.m. so try to get there before that. The firefighters will have hot chocolate and donuts, as they do every year.

Councilman Batten said this Sunday is the Salvation Army dinner from 5:00 p.m. to 7:00 p.m. at Ellenwood. There are still many tickets, and the cost is \$10.00.

The Mayor said all the money raised by the Salvation Army stays in Bedford. Mayor Pocek has spoken to the City Manager about the deplorable condition of the Post Office. Mr. Angelo spoke with them and they said a work order would be put in. The Mayor said that was several months ago. The other issue is the staff. The service is horrible, his wife went to drop off two small packages and after waiting 20 minutes was told that she had too many packages. The Mayor asked Mr. Angelo to call Congresswoman Fudge's office. Mr. Angelo will follow-up.

**ORDINANCE NO. 8752-10**, an ordinance amending Chapter 749 of the Bedford Codified Ordinances entitled "Sweepstakes Terminal Café" and declaring an emergency was read by title only. Motion made by Zolata seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Saunders, Zolata, Batten. Nays: Pozar. Motion carried.

Motion made by Mizensak seconded by Zolata to place Ordinance No. 8752-10 on third and final reading and passed.

Mr. Schuman said the City has been in the process of tweaking this ordinance for quite a while. This ordinance deals with seven or eight amendments just to clean it up. If it is passed, people can apply for permits to put sweepstakes terminal cafes in the City.

Mayor Pocek said this is a response by Council to what is happening around the City. It is the general feeling of Council and the Administration that once the casino opens, these will more than likely disappear.

Councilman Koci was in favor of this until something Councilman Pozar said in Work Session and put it into perspective. The clients of these are mostly senior citizens and they will be losing a lot of money and for that reason Mr. Koci will be voting no.

Councilman Pozar commends the City Manager for looking at ways to enhance revenues in the City. However, the revenues here are very lucrative, and they are for a reason. Councilman Saunders said the \$5,000 licensing fee is probably not enough, Mr. Pozar said he is right. Other areas are seeing \$10,000 for these fees and if the owners of these organizations are putting up that kind of money, the question that needs to be asked is who the client will be. Councilman Pozar said it is those people in our society that don't have control over things and chase a dream and gamble. It is gambling and it is his opinion that it won't be here in a year. It is a good idea on the surface, but it needs to be looked at a little bit deeper. He will vote no.

Mr. Schuman said the ordinance has already been passed, this ordinance is just for the amendments. Mr. Pozar said he will vote no on this ordinance for the same reason he voted no on the original ordinance.

Councilman Saunders believes the City is charging too little for these establishments. He was involved in one of the ordinances that is currently being challenged in court through Summit County, these will be around for at least three years. Most gambling, even at racetracks, will not be in place until 2013. Mr. Saunders said it will be the poor people, like the lottery, to better themselves. He will be voting yes, only because there needs to be regulations on these establishments.

Mr. Schuman said everyone needs to be perfectly clear that the ordinance is already in place. This is only voting on the amendments which will strengthen the ordinance.

Councilman Koci said that was not his understanding.

Mr. Angelo said Mr. Schuman has done a lot more work on the ordinance than he has. There have been people that have come in and met with them on this issue. The intent is not take money from the unwilling. These establishments are going in all around the City. Now there is the original ordinance in place for regulation but Mr. Schuman has tweaked it making it more stringent. The machines will be regulated. Mr. Angelo said without regulations anybody can come in and put up any type of business. The first ordinance established the regulations, and this ordinance strengthens it even more. Mr. Angelo commended Mr. Schuman for putting in all of this time and meeting with the various individuals.

Councilman Koci misunderstood. Mr. Pozar said that the original ordinance slipped passed them. Mr. Koci thought they just defeated them.

Mr. Schuman said it did not slip by anybody. Mr. Angelo said Mr. Pozar voted no on the original ordinance.

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

**ORDINANCE NO. 8753-10**, an ordinance amending Ordinance No. 8741-10 passed October 18, 2010 as subsequently amended and amending Chapter 151 of the Codified Ordinances of the City of Bedford and declaring an emergency was read by title only.

Motion made by Zolata seconded by Koci to amend Ordinance No. 8753-10 Section 5, Number 4 to include the language "and the City Council". The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Mizsak to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to place Ordinance No. 8753-10 on third and final reading and passed.

Mr. Schuman said this ordinance cleans up some of the starting pay issues regarding various department heads and updating the information.

Mayor Pocek said there are no raises in this ordinance, it is just housekeeping.

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

**ORDINANCE NO. 8754-10**, an ordinance declaring the property and structure located at 647 Broadway Avenue (P.P. No. 812-13-043) a nuisance, ordering action and declaring an emergency was read by title only. Motion made by Zolata seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Mizsak seconded by Saunders to place Ordinance No. 8754-10 on third and final reading and passed.

Mr. Angelo said this is the old Medic building in downtown. There are about eight issues there that need to be addressed. Mr. Seyboldt has sent the owner a letter identifying those issues and if they are not corrected with this action tonight, the City can take it to the next step.

Councilman Pozar said when the property was purchased, it was purchased for \$840,000 and for an asset this large to sit there and not be productive stretches one's imagination. The parking lot is one of the areas that needs to be addressed, the roof, glass doors and weeds on the property also need to be taken care of. This could be a jewel in the center of our town, and unfortunately it just sits there and rots. The City is trying to get the owners attention.

Mr. Angelo said Walgreens still has a lease there, and they are paying every month. The owner of the property is asking \$1.25 million for the property and collecting money. The City is trying not to let buildings sit and rot even if they are collecting money.

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

**ORDINANCE NO. 8755-10**, an ordinance authorizing the City Manager to execute a purchase agreement with Frank Petrash selling the residence at 9 West Interstate, Bedford, Ohio and declaring an emergency was read by title only. Motion made by Zolata seconded by Koci to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizensak to place Ordinance No. 8755-10 on third and final reading and passed.

Mr. Angelo said this is a property the City owned and was priced at \$79,900. The offer was \$75,000 which was accepted.

The Mayor asked if Mr. Petrash was in the audience. He said yes.

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

**ORDINANCE NO. 8756-10**, an ordinance authorizing the City Manager to enter into a contract with Lewis Development & Maintenance Company to make various repairs to the residence at 526 Belle in the City of Bedford and declaring an emergency was read by title only. Motion made by Batten seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Saunders to place Ordinance No. 8756-10 on third and final reading and passed.

Mr. Angelo said the City has owned this house for approximately 2 years and maintenance needs to be done on it. Three bids were received to take care of a water problem in the basement that developed. The lowest bid is being accepted.

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

**ORDINANCE NO. 8757-10**, an ordinance authorizing the City Manager to enter into a contract with R&M Development Corporation to make various repairs to the residence at 775 Lincoln Boulevard in the City of Bedford and declaring an emergency was read by title only. Motion made by Batten seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Pozar to place Ordinance No. 8757-10 on third and final reading and passed.

Mr. Angelo said this is for work to be done in the basement for water problems and for surface water on the outside of the home.

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

**ORDINANCE NO. 8758-10**, an ordinance enacting Chapter 1961 of the Bedford Codified Ordinances entitled "Solar Energy Systems" and declaring an emergency was read by title only. Motion made by Zolata seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Saunders, Zolata, Batten. Nays: Pozar. Motion carried.

Motion made by Mizensak seconded by Saunders to place Ordinance No. 8758-10 on third and final reading and passed.

Mr. Angelo said this ordinance and the next ordinance are something the City does not have on the books yet. The first one is for solar energy systems and the second is for wind energy systems. The concern is that before people start putting up these types of systems that regulations are in place. There is a better possibility that there will be solar energy systems in the City rather than the wind systems. These two ordinances would aid residents in the neighborhoods, so somebody is not encroaching your property.

Councilman Pozar said the mention of a wind mill to generate energy is not in the ordinance being discussed right now. It is in the next ordinance. It is economically not viable to bring this to market in this area when it concerns wind mills, and he agrees 100%. However, the ordinance being discussed on the solar energy systems is heavy handed. Mr. Pozar said contrary to what might be an aid to the residents by regulating this, if someone wanted to put a solar panel to heat a swimming pool or garage they can do that. They can do this because it is available. Mr. Pozar said the question is whether or not they would make that investment under the current ordinance, where the regulations require no less than four permits plus Building Commissioner approval and a zoning permit. Mr. Pozar said green energy is needed, but it can't be stepped on and squashed by regulation and that is what is being done here. The zoning, building, electrical permits and application fee of \$100.00 and attendance at a Planning Commission meeting smacks of heavy handed enforcement where none is needed. Mr. Pozar said in the near future this will probably come down from the Federal government or State, but in the meantime people have the right to put up solar energy systems prudently.

Mr. Angelo said the Planning Commission sat through numerous hours of going through information and they should be commended for that. In dealing with just the solar energy systems, the term used was prudent installation and other than the City, he is not sure who would follow the regulation. When a fee is put on these things, it is because time is involved. It is not intended to stymie anybody, but to make sure the City does not lose money. The regulations are in place for the neighbors and residents and if there is a problem with the numbers as far as cost, he would be happy to cost them out.

Councilman Pozar said that would be welcome. Although, best intentions to protect the neighbors he questions how many would go in with the current encumbrances.

Mr. Angelo said if a resident came in and put in a proposal and if it has to be reviewed by a certified engineer, whatever the cost is, that is what they would pay.

Councilman Pozar said it might make the application or installation prohibitive as this ordinance would restrict it.

Councilman Saunders said working in a similar field in Northfield Center, it appears that the Federal government will trump all local rules on this issue, similar to telecommunication towers. The Federal government is pushing green energy and are rather miffed that local regulations are prohibiting some of these. There does need to be some local regulations.

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

**ORDINANCE NO. 8759-10**, an ordinance enacting Chapter 1963 of the Bedford Codified Ordinances entitled "Wind Energy Systems" and declaring an emergency was read by title only. Motion made by Batten seconded by Koci to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Mizsak seconded by Zolata to place Ordinance No. 8759-10 on third and final reading and passed.

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

**ORDINANCE NO. 8760-10**, being an ordinance to make appropriations for current expenses and expenditures of the City of Bedford, Ohio during the year 2011 and declaring an emergency was read by title only. Motion made by Batten seconded by Koci to place Ordinance No. 8760-10 on first reading. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 8761-10**, an ordinance authorizing the City Manager to enter into an agreement with DeVore Technologies, Inc. and declaring an emergency was read by title only. Motion made by Zolata seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Pozar to place Ordinance No. 8761-10 on third and final reading and passed.

Mr. Angelo said this is a contract with DeVore Technologies, with a subcontract with Simplex. It is an opportunity for the City to completely upgrade its computer systems, both hardware and software. They will provide onsite training and any other necessary training. This will lead the City into the next set up, and what the City wants to do. If an IT person were to be hired, there is no way it would be for less than \$40,000.

Mr. Angelo thanked Mr. Gambosi for his work on this project. Mr. Gambosi said between the two companies, you are getting between 5 and 6 system analysts, making sure things run smoothly.

Mr. Angelo said this will also give us damage recovery. There are so many avenues that employees will have, i.e. accessing email from home.

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

**ORDINANCE NO. 8762-10**, an ordinance amending Ordinance No. 8534-09 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 Batten seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Mizsak seconded by Pozar to place Ordinance No. 8762-10 on third and final reading and passed.

Mr. Gambosi said this ordinance consists of some small grants the City has received, and also the money the City will be expending from now until the end of the year. The County will owe the City a large amount of money but it has to be advanced from the general fund. Next year, the money will be replenished to the general fund, when the money from the County is received.

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

Motion made by Koci seconded by Mizesak to appoint George Kopec to the Bedford Arts & Cultural Board. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

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

Helen Briggs, 149 Grand Blvd., said the leaf collection signs that were put out were a huge help. It was a great idea.

Tim Tench, 286 Marion, thanked Council, the Administration and the citizens for the passing the school renewal levy. He asked if there was a completion date on the Solon Road project.

Mr. Schuman said no, but it is supposed to be before Thanksgiving. Mr. Koci said they poured concrete today.

Mr. Tench thanked the Police Department and Fire Department for the work they did at the football games this year. They do an outstanding job, especially during trying times.

Paul Tomasek, 61 Meadowgate, asked if there is anything that can be done about the freezer trailer behind Wal-Mart. It continues to run off and on. Mr. Angelo did call him back, but the problem is continuing.

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

Meeting adjourned at 9:02 P.M.

  
Clerk of Council

  
Mayor – President of Council