

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

5:45 P.M. PROMPT

Dinner will be served

- **BUDGET –**

Municipal Court

- **PRESENTATION PASTOR BOQUIST –**
- **DISCUSSION OF AGENDA –**
- **DISCUSSION OF ANTI-POACHING –**
- **EXECUTIVE SESSION – Personnel & Land Acquisition – Hank
Personnel (Council only)**

Bedford, Ohio

November 21, 2011

Bedford City Council met in a Work Session at Bedford City Hall on Monday, November 21, 2011 at 5:45 p.m.

Present: Council Members: Mayor Dan Pocek, Stan Koci, Warner Batten, Marilyn Zolata, Paula Mizsak, Donald Saunders, Greg Pozar. Also Present: Clerk of Council Lorree Villers. Administration: Law Director Ken Schuman, City Manager Henry Angelo, Clerk of Courts, Bedford Municipal Court Thomas Day.

Mayor Pocek turned the floor over to Mr. Day for budget discussions.

Mr. Day brought a message to Council and the Administration from the judges and court staff which was they appreciated the City working with them in a professional and helpful manner. It made things easier when everyone worked together as a group. He was happy to announce the re-election of Judge Melling. Mr. Day mentioned the Court operations would be functioning smoothly without constant election turnovers. He listed a few projects the Court had accomplished in 2011: computer hardware, software and server upgrades, and scanned in 35,000 journal entries for public view. He noted the County Prosecutor's Office wasn't able to handle felon cases in a timely manner and explained the court currently used I-Pads to communicate with the police department. He noted the jail was not holding low level felons; however, the more extreme felon cases were being transported directly to Cleveland for holding.

Mr. Pozar asked how many employees the court currently had. Mr. Day replied approximately 33 full-time and six part-time with ten of those being in supervisory positions.

Mr. Saunders thought the budget looked good. He asked what community used the court system the most. Mr. Day replied Bedford and Solon mostly, then Bedford Heights and Warrensville Heights.

Mr. Day explained the Ohio State Patrol has been patrolling I-480 so the Bedford Police Department didn't need to patrol it.

Mr. Batten asked what the cost was to the City for the Court. Mr. Schuman replied, \$0. The Garfield Court system charged the City of Garfield approximately \$250,000. Mr. Day and Mr. Schuman both agreed it was a give and take for the Court and the City but both areas worked very well together. Mayor Pocek commented the Court and City have been working together since the building opened nine years ago.

Mr. Day listed a few projects for 2012: video replacement, more security cameras, streamline the email capability between the Court and the Police Department, introduce electronic deliveries to civil attorneys to cut back on postage costs and upgrade the website and journal entries.

Mrs. Zolata mentioned the letter Council had received from Mr. Day regarding the Bedford Municipal Court community outreach program and that Judge Jacob planned to attend a not-to-distant Council Meeting.

Mr. Day completed his budget discussion at 6:35 p.m.

Pastor Doug Boquist entered the meeting to discuss his topic. He explained a program type idea that a group had been working on through the school to help the area children. He noted there was great concern about the future generation because the culture of the schools had changed. This group was going to ask

the following cities for donations: Bedford, Bedford Heights, Oakwood and Walton Hills to aid in the help of the program. He asked the City of Bedford to donate \$15,000. After some discussion it was determined this program would be for the betterment of the children and would have a great return on investment. Everyone felt this program would benefit the children. City Council and the present Administration assured Pastor Boquist that the City of Bedford was willing to donate \$15,000 toward the program because they believed it was a great idea for the children.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Council Members did not have any corrections or deletions to the November 7, 2011 Work Session and Regular Session and the November 7, 2011 budget minutes.

Ordinance No. 8905-11 was an ordinance for appropriations for current expenses and expenditures of the City of Bedford, Ohio during the year 2012. Council was in agreement that this piece of legislation would be read as second reading this evening. [Mr. Gambosi was not present at this evenings work session but the piece of legislation that was in front of Council had been amended since its first reading.]

Ordinance No. 8910-11 was an ordinance authorizing the City Manager to enter into a contract with Warren Fire Equipment for Fire Department bunker gear. Mr. Schuman noted Chief Nagy had replaced 10 sets of bunker gear in September 2011. He said there were funds in the Fire Departments budget to allow 7 more sets. He stated the pricing was significantly lower than the other vendors and lower than State Bid pricing.

Ordinance No. 8911-11 was an ordinance directing the City Manager to enter into a contact with Trumbull Industries, Inc. for the commercial water meter replacement project being the lowest, responsive and responsible bidder. Mr. Schuman explained Council had already passed Ordinance No. 8902-11 at the November 7, 2011 meeting to Nerone & Sons, Inc for installation of these meters.

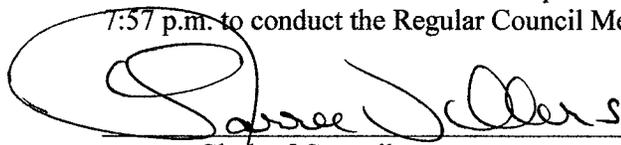
Ordinance No. 8912-11 was an ordinance authorizing the City of Bedford to certify to the County Fiscal Officer the costs associated with police response to 305 Avery Avenue as said homeowner is in violation of Bedford's Criminal Activity Nuisance Ordinance. Mr. Schuman explained that this was a repeat offender and the City had already assessed the landlord's taxes this year. He said this resident had been pretty quiet until this new incident.

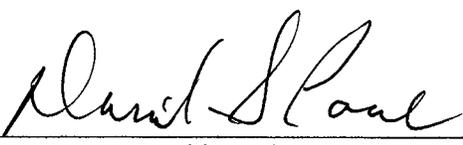
Ordinance No. 8913-11 was an ordinance providing for the adoption of Bedford's codified ordinances to approve, adopt and enact the 2011 replacement pages and to repeal certain ordinances in conflict or deemed obsolete. Mr. Schuman explained this was an annual housekeeping issue. Mr. Angelo mentioned the costs had to have been reduced this year because Ms. Villers had contacted every department to see what was necessary instead of just ordering what had been ordered in the past.

Discussion of the Regular Work Session agenda was concluded.

Council discussed the anti-poaching work session topic and it was decided a resolution would be considered at the December 5, 2011 Regular Council Meeting.

At 7:35 p.m., Bedford City Council, City Manager Henry Angelo and Law Director Ken Schuman went into an executive session to discuss personnel and land acquisition. Executive Session was recessed at 7:57 p.m. to conduct the Regular Council Meeting at 8:00 p.m.


Clerk of Council


Mayor - President of Council

REGULAR MEETING

BEDFORD CITY COUNCIL
STATE OF OHIO
COUNTY OF CUYAHOGA

DATE: November 21, 2011

AGENDA

TIME: 8:00 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
 - a. Approval of Minutes of the Work Session of November 7 2011
 - b. Approval of Minutes of the Regular Meeting of November 7, 2011
5. **OLD BUSINESS**
 - a. Ordinance No. 8905-11 Amended City of Bedford 2012 Appropriation Budget (1st Reading 11/7/11)
6. **PRESENTATIONS**

City Hall and Fire Department donations to Meals on Wheels – Alma Rhines
7. **REPORTS**
 - a. City Manager
 - b. Law Director
 - c. Finance Director
 - d. Council Reports
8. **NEW BUSINESS**
 - a. Ordinance No. 8910-11 authorizing the City Manager to enter into a contract with Warren Fire Equipment (\$13,188)
 - b. Ordinance No. 8911-11 authorizing the City Manager to enter into a contract with Trumbull Industries, Inc. for the replacement of Commercial Water Meters (\$64,247.06)
 - c. Ordinance No. 8912-11 authorizing the City to certify to the County Auditor costs associated with Police response to 305 Avery Street
 - d. Ordinance No. 8913-11 adopting the 2011 replacement pages of the Codified Ordinances
9. **HEARING OF CITIZENS**
10. **ADJOURNMENT**

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

Bedford City Council met in Regular Session at Bedford City Hall on Monday, November 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: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata.

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

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

ORDINANCE NO. 8905-11, being an ordinance to make appropriations for current expenses and expenditures of the City of Bedford, Ohio during the year 2012 and declaring an emergency placed on first reading November 7, 2011 was read by title only.

Motion made by seconded by Pozar to place Ordinance No. 8905-11 on second reading.

The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. 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 tried to give back to the local community and this was the second year they will be making a donation to the Meals on Wheels program. Mr. Millet presented Alma Rhine from the Meals on Wheels a donation for \$500.00. Mr. Angelo also presented Ms. Alma Rhine with a \$900 check on behalf of the City Hall employees collected by Friday dress down days throughout the year. Ms. Rhine thanked everyone for their generosity. She noted she had a warm spot in her heart for firemen because her father used to be a firefighter.

Mr. Angelo, City Manager gave praise to Mr. Gambosi for the hard work he had done to lock the City portions for the natural gas rate at 5.99% for the next two years. He alerted Council that the Turney and Broadway Road project would not be completed until 2013 because Cuyahoga County was holding the project up. He added the cost would be approximately \$12,000. It was determined it would be approximately 150 feet for this project depending on the length of the roadway.

No report from Ken Schuman, Law Director.

Frank Gambosi, Finance Director said he appreciated Mr. Schuman, Mr. Angelo and the City's private companies for their assistance in the natural gas rate for the City. He stated Ordinance No. 8905-11 had been amended since its first reading on November 7, 2011. The amendment decreased the general fund by another \$170,000 as well as an overall of \$400,000 than what was determined two weeks ago. He explained there were approximately 200 letters that were sent out in error. He apologized to everyone and said the program had been corrected so it would not happen again.

Mayor Pocek announced and invited everyone to the Tree Lighting Ceremony at 6:00 pm at town square. He noted Mr. Leigh Harrington, Executive Director of NOPEC was retiring by the end of 2011 so he recommended Chuck Kieper for the position and was happy to announce he was elected. He also congratulated Mrs. Mizensak on her re-election.

No report from Councilman Batten.

Councilman Koci congratulated Mr. Batten on his wonderful Salvation Army dinner that was very well attended and the food was very good. He explained the idea behind the Lights Out for Hunger Program. He asked everyone to participate on December 14, 2011. He said this gesture would be in memory of the people who were hungry. He noted the idea was to donate the money you would have saved to a local food bank. He said Facebook had a website "Lights Out for Hunger" if anyone wanted to view it. He noted there were two food banks that the money was going to be donated to.

Councilwoman Zolata announced immediately following the Tree Lighting Ceremony there would be a church service at the Bedford Square church. She thought the service would be 30-40 minutes long. She thought it was nice that the Fire Department donated \$500 to the Meals on Wheels foundation. Also the Taylor Chair Company was nationally recognized under the Green Jobs Award Program for their achievements in sustainability. Mrs. Zolata congratulated Mrs. Mizensak on her re-election.

Councilwoman Mizensak thanked her Ward 4 residents for their support. She was very touched by one of her constituents that called her almost every day to encourage her to keep her chin up through the election.

Councilman Pozar said he had a non-traditional method to deliver his comments this evening. He urged the audience members to help themselves after the meeting to the copies he had made. [see attached] He asked Mr. Gambosi if the residents could piggyback on the 5.99% natural gas rates. Mr. Gambosi replied that option was being investigated and he wasn't sure if it would be beneficial. Mr. Pozar referenced the letter that was mailed in error if it caused any resident to get audited. Mr. Gambosi replied, no because it was a "match system" not an actual audit. He informed the residents not to respond.

Councilman Saunders stated the PUCO website showed that Constellation Energy had the lowest residential fixed rate of 5.75%. He thanked Mr. Batten for the Salvation Army dinner stated people did not realize all the hard work Mr. Batten did for the events he helps in. He added Mr. Batten also organized the Salvation Army red kettles located at the local department stores for the holiday season. The funds collected stay in Bedford. Mr. Saunders thanked Boy Scout Troop #447 for their great spaghetti dinner this past Saturday. The fund raiser was organized by Ernie Walker who was the heart attack survivor that attended the November 7, 2011 council meeting. He asked Mr. Angelo how long the City was going to pick up leaves. Mr. Angelo replied, until the leaves were all picked up or weather permitting. Mayor Pocek asked for additional support from the administrative staff to ring the bell at the Salvation Army red kettles this year.

ORDINANCE NO. 8910-11, an ordinance authorizing the City Manager to enter into a contract with Warren Fire Equipment, Inc. for Fire Department bunker gear 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: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Mizensak to place Ordinance No. 8910-11 on third and final reading and passed.

Mr. Schuman said back in September 2011 Council authorized 10 sets of new bunker gear for the Fire Department and because Chief Nagy was able to purchase bunker gear lower than State Bid this allowed

additional sets to be purchased. Bunker gear was defined by Mr. Koci as the safety pants and jackets the firefighters wore for protection.

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

ORDINANCE NO. 8911-11, an ordinance authorizing the City Manager to enter into a contract with Trumbull Industries, Inc. for the commercial water meter replacement project being the lowest, responsive and responsible bidder and declaring an emergency was read by title only.

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

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

Motion made by Koci and seconded by Zolata to place Ordinance No. 8911-11 on third and final reading and passed.

Mr. Angelo explained this bid was for 2” to 6” meters. He noted the installation of these meters was going to be done by Nerone & Sons, Inc. He said this project would continue through the winter months.

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

ORDINANCE NO. 8912-11, an ordinance authorizing the City of Bedford to certify to the County Fiscal Officer the costs associated with police response to 305 Avery Avenue as said homeowner is in violation of Bedford’s criminal activity nuisance ordinance and declaring an emergency was read by title only.

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

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

Motion made by Saunders and seconded by Mizsak to place Ordinance No. 8912-11 on third and final reading and passed.

Mr. Schuman explained this was another example of the criminal activity nuisance ordinance. He noted this particular home had some problems in the past but had been doing much better until this incident.

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

ORDINANCE NO. 8913-11, an ordinance providing for the adoption of new matter in the codified ordinances of Bedford to approve, adopt and enact the 2011 replacement pages to the codified ordinances of Bedford, Ohio, hereinafter “codified ordinances”, to repeal certain ordinances in conflict with or deemed obsolete and declaring an emergency was read by title only.

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

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

Motion made by Koci and seconded by Mizsak to place Ordinance No. 8913-11 on third and final reading and passed.

Mr. Schuman explained this was an annual function of the City. This ordinance allowed the City and State ordinances to mirror one another.

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

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

Darlene Williams, 150 Best Street was not happy about the decision of the Board of Building Standard & Appeals [BBS&A] of November 9, 2011 regarding the complaints she had filed with the Police Department for over two years. She explained the problem started with one of the sons beating up his girlfriend and throwing rocks at her car. She felt one problem lead to another problem. She stated she finally got the City to send them a criminal nuisance letter and the BBS&A didn't make the landlord pay the fine. She felt the neighborhood's efforts to quiet this particular tenant didn't do them any good. She felt the neighbors were going to move out of Bedford if this continued.

Mr. Angelo explained the functions of the BBS&A. He made it very clear that this body was separate from Council. The Board received 4 CAD reports from the Police Department. The Board understood the court dealt with the first two issues that happened in 2010 but the last two issues were in 2011; one (1) of the incidents was considered "suspicious activity" and the other was an expired license plate of a visitor. He stated the police department did not contact the landlord or tenant regarding the last two incidents. He referred to Section 511.12 of the Codified Ordinances and none of the 2011 incidents were to related the actual tenants address. He said the Board agreed unanimously the last two calls should not have counted toward the criminal nuisance requirements.

Mrs. Williams commented after "the traffic stop" had occurred all the suspicious activity had stopped. Mr. Angelo questioned whether the stop she was referring to was an expired license plate. Mrs. Williams replied, "No, I'm talking about a different stop." Mr. Angelo stated the Board can only act on the information the CAD police department showed. He stated the City's goal was not to collect money from the landlords but rather the landlord fix the problem tenant by either settling them down or evicting them. Mayor Pocek told Mrs. Williams that all Council members stood firm when it involved Quality of Life issues in Bedford. Mrs. Zolata noted there were a lot of residents in her Ward that were committed to the Quality of Life in their neighborhoods. She knew of other residents that had the same concerns as Mrs. Williams regarding the questionable tenants that were moving into Bedford.

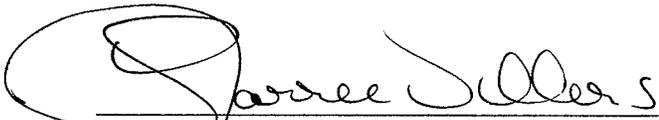
Jim O'Neil, 155 Gould Avenue had several concerns: 1) He asked about the progress regarding his past complaints regarding 39 Gould Avenue. Mr. Angelo assured him that he would follow-up and get back to him. 2) Mr. O'Neil was not happy about the rates of Time Warner and wanted to know if the City could help the residents with lower rates. Mr. Schuman explained the City had no ability to negotiate any rates for the residents and the only alternative the residents had was contracting with a Dish network company. 3) Mr. O'Neil suggested again an overhead "right turn only" sign on Broadway Avenue onto Powers Road. 4) He liked the double yellow line on Broadway Avenue and the intersection of Union Street, however he thought an overhead sign should be installed that instructed drivers to maintain that lane until the top of the hill by the railroad tracks. He noted the snow would be covering the double yellow line. 5) He also suggested a No Parking sign in the location of the Southwick Drive and Wandle Avenue area. Mr.

Angelo explained the City was in the process of looking at this area. Mr. O'Neil also commended the police department for the excellent police coverage on Halloween.

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

Council wished everyone a Happy Thanksgiving.

Meeting adjourned at 8:48 P.M.


Clerk of Council


Mayor – President of Council