

**COUNCIL WORK SESSION
MONDAY, OCTOBER 17, 2011**

6:30 P.M. PROMPT

- **DISCUSSION OF AGENDA -**
- **DISCUSSION TO ENDORSE SCHOOL LEVY -**
- **EXECUTIVE SESSION - Personnel (Council only) and Land Acquisition**

Bedford, Ohio

October 17, 2011

Bedford City Council met in a Work Session at Bedford City Hall on Monday, October 17, 2011 at 6:31 p.m.

Present: Council Members: Mayor Dan Pocek, Stan Koci, Warner Batten, Marilyn Zolata, Paula Mizensak, Donald Saunders, Greg Pozar. Also Present: Clerk of Council Lorree Villers. Administration: Finance Director Frank Gambosi, Law Director Ken Schuman, City Manager Henry Angelo.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Mr. Batten pointed out the October 3, 2011 minutes need a slight change; the word "make-up" should be "back-off". Mr. Schuman directed the Clerk to make the change and there was no need for a motion on the floor at the Regular Council Meeting this evening.

Ordinance No. 8889-11 was an ordinance amending Section 1333.14 of the Codified Ordinances and was placed on first reading September 19, 2011. This ordinance would give the Building Department an avenue to enforce the maintenance of drapes, shades and other window treatments. It was determined Council would consider this ordinance this evening as its second reading.

The Mayor briefly explained the Proclamation for the 20th anniversary of the Southeast Branch Library.

Ordinance No. 8896-11 was an ordinance amending Ordinance 8891-11 which was an ordinance authorizing the purchase of a John Deere 4 X 2 gator through the State Cooperative Purchasing Program. Mr. Angelo explained the ordinance needed amended to add John Deere to allow the purchase. There was only one gator being purchased; this was not for an additional gator.

Ordinance No. 8897-11 was an ordinance declaring the property and structure located at 750 Northfield Road a nuisance. Mr. Angelo noted Mr. Seyboldt had notified the property owner 60 days ago but forgot to have Council Clerk Villers write the ordinance so this was the first step in addressing this issue.

Ordinance No. 8898-11 was an ordinance authorizing the City Manager to enter into a contract with Baumann Enterprises, Inc. in the amount of \$1,900. Mr. Angelo explained this would allow the City to contract with Baumann Inc. so they could tear down the deplorable garage located at 750 Northfield Road. He added there were many liens (\$37,000 to \$40,000+) against this property so there was going to be further investigation before the City would move forward in paying to have the garage demolished. Mr. Schuman thought the best way to address this was "criminally" instead of the City taking the chance of getting stuck with the cost of \$1,900 for the demolition. He suggest Council pass the ordinance and it would be used if needed.

Ordinance No. 8899-11 was an ordinance amending Ordinance No. 8258-08, COB Section 913.02 regarding Sewer Rates. Mr. Gambosi explained there would be a 2% to 4% increase to cover costs and would be relieved in 2014. Mr. Saunders mentioned the eggshell sewer situation that the City discovered about 17 years ago. He thought it was time to televise the sewers again. Mr. Angelo figured the cost would be approximately \$100,000 which was not in this year's budget. Council agreed this problem needed to be addressed.

Mr. Pozar referred to the sewer study that had been done several years ago. Mr. Angelo said he spoke to Joe Ciuni and the sewers were televised in 1994-95 but the study was completed in 1997. This was a seven year plan for improvements in line with OEPA requirements. He was in

agreement that this issue needed to be addressed and the determination needed to be done for what was done, what parts of the study still need to be addressed or what remains valid. Mr. Saunders questioned if 4% was enough. Mr. Angelo explained the 4% would free up approximately \$500,000 in two (2) years. There was discussion as to how much the water/sewer bills would increase for the residents and business owners.

Mr. Pozar and Mr. Batten touched on the water bill issue Mr. Batten personally had at his rentals. Mr. Batten was charged \$5,500 for \$1,100 worth of water. Mr. Pozar stressed Mr. Batten's issue needed addressed because something was not right and a person should only be charged for what went through their meter and it should be fair. Mr. Pozar and Mr. Batten compared this situation with the school and hospital and wondered how they were billed. Mr. Angelo agreed this needed addressed. Mr. Saunders raised the question whether all the commercial meters had all been replaced. Mr. Angelo said the meter replacement was almost done and the Service Department was replacing the 2" ones first.

Ordinance No. 8900-11 was an ordinance authorizing the City Manager to enter into a contract with Emmanuel Capadona. Mr. Angelo thought this process would take about 30 days to complete. Mr. Capadona had the time to spend doing a thorough job because he didn't have another job. Mr. Gambosi noted contracting with Mr. Capadona would let the Administration/Council know if the City got its money worth. Council agreed.

Mayor Pocek and the Council members were in favor of the endorsing the school levy. Mr. Schuman suggested a simple call be placed to the school to let them know Council was behind them in this levy.

Discussion of the Regular Work Session agenda was concluded.

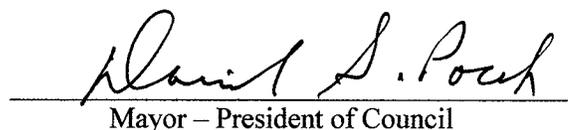
Mr. Angelo asked Council if it was okay to add a Presentation from Lori Delgado to the November 7, 2011 agenda. Council had no problem with it. Mr. Angelo also noted the topic of anti-poaching needed to be addressed at the next Council meeting too.

Mayor Pocek explained that he was selected as the NLC spokesmen to go to Washington DC to address some very important issues on October 27, 2011. He said he would fly up that morning and he would be returning the same evening. He mentioned it was time for someone else to get involved with the boards/committees he currently served on because he would be stepping down soon along with retiring from his position at DLZ.

At 7:35 p.m., Bedford City Council, City Manager Henry Angelo, Law Director Ken Schuman, Finance Director Frank Gambosi went into an executive session to discuss personnel and land acquisition. Executive Session was recessed at 7:55 p.m. to conduct the Regular Council Meeting. The executive session reconvened at 9:00 p.m. after the Regular Council Meeting had adjourned.



Clerk of Council



Mayor – President of Council

REGULAR MEETING

BEDFORD CITY COUNCIL
STATE OF OHIO
COUNTY OF CUYAHOGA

DATE: October 17, 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 October 3, 2011
- b. Approval of Minutes of the Regular Meeting of October 3, 2011

5. **OLD BUSINESS**

- a. Ordinance No. 8889-11 amending COB Section 1333.14 by adding subsection 1333.14 (c)(3)
(1st Rdg 9/19/11 - 2nd Rdg 10/3/11)

6. **PRESENTATIONS**

Proclamation for the 20th Anniversary of the Southeast Branch Library

7. **REPORTS**

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

8. **NEW BUSINESS**

- a. Ordinance No. 8896-11 amending Ord. No. 8891-11 authorizing purchase of a John Deere 4 X 2 Gator (\$7,636.86)
- b. Ordinance No. 8897-11 declaring the property and structure located at 750 Northfield Road a nuisance
- c. Ordinance No. 8898-11 authorizing the City Manager to enter into a contract w/Baumann Enterprises, Inc (\$1,900)
- d. Ordinance No. 8899-11 amending Ordinance No. 8258-08, COB Section 913.02 regarding Sewer Rates
- e. Ordinance No. 8900-11 authorizing the City Manager to enter into a contract with Emmanuel Capadona

9. **HEARING OF CITIZENS**

10. **ADJOURNMENT**

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

Bedford, Ohio

October 17, 2011

Bedford City Council met in Regular Session at Bedford City Hall on Monday, October 17, 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: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Absent: None.

Motion made by Koci and seconded by Zolata to approve the minutes of the Work Session of October 3, 2011. The roll was called. Vote – Yeas: Mizensak, Pozar, Saunders, Zolata, Batten, Koci. Nays: none. Mayor Pocek abstained because he was on vacation. Motion carried.

Motion made by Mizensak and seconded by Pozar to approve the minutes of the Regular Meeting of October 3, 2011. The roll was called. Vote – Yeas: Mizensak, Pozar, Saunders, Zolata, Batten, Koci. Nays: none. Mayor Pocek abstained because he was on vacation. Motion carried.

ORDINANCE NO. 8889-11, being an ordinance amending Section 1333.14 of the Codified Ordinances of the City of Bedford, Ohio adding a new subsection 1333.14(C)(3) and declaring an emergency and placed on first reading September 19, 2011 and second reading October 3, 2011 was read by title only.

Motion made by Zolata and seconded by Batten to place Ordinance No. 8889-11 on third and final reading and passed.

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

Mayor Pocek presented to Jeanne Sapir the Branch Manager of the Southeast Branch Library a Proclamation for their 20th Anniversary. Ms. Sapir thanked everyone for the Proclamation and extended an invitation for those who might be interested in visiting the library.

Hank Angelo, City Manager reported the reason the citywide alarm was activated this past Friday and again on Sunday was because there was an accident in Oakwood and the city's alarm was activated accidentally. He added this was the second time in ten years that the button was accidentally pushed, however, it happened twice this weekend. He noted there was going to be a procedure established so if there was another accident setting off the alarm, there would be a way to alert the residents.

No report from Ken Schuman Law Director.

Frank Gambosi, Finance Director reported there were 26 letters being mailed from the Tax Department, which were legitimate CCA letters for collection.

Mayor Pocek complimented Mr. Batten on the successful Pumpkin Festival.

No report from Councilman Batten.

No report from Councilman Koci.

Councilwoman Zolata congratulated Ms. Sapir on the 20th anniversary of the Southeast Branch Library and for attending every council meeting. She announced Halloween was going to be Monday, October 31, 2011 from 6:00 pm to 8:00 pm.

Councilwoman Mizesak recognized the Cuyahoga Heights students that were in the audience to observe the meeting this evening. She was happy that Council Chambers had a lot of people in attendance because it was a good impression for the students. She was proud to announce the students were present under student teaching of her son. She added her son, Andrew Mizesak, took pride in history because his mentor taught him a lot about history and he was kind of one step ahead of the Mayor. She thought Andrew hadn't caught up yet to his mentor, the Mayor, but he would someday. She welcomed the students. Mayor Pocek replied when he was dead. Mrs. Mizesak replied she didn't say that, the Mayor did.

Mrs. Mizesak said she had a problem at the Heatherwood condominiums which she thanked Mr. Angelo for addressing. She asked if the leaf collection this year was being done by zones or street by street. Mr. Angelo explained the areas would be marked by signs and the leaf collection would be addressed by the type of tree because the leaves fall off trees at different times. He stressed all the leaves would be picked up and the Service Department would make a second round for last minute pickup. She congratulated Ms. Sapir.

Councilman Pozar said Mrs. Mizesak agreed on more things than she knew. He endorsed her point on her son Andrew not catching up yet on certain things and one of those things were the real world government that was being discussed tonight. He concurred.

Mr. Pozar noted there was an annoying and ongoing issue at 39 Gould Avenue. Three weeks ago there was a complaint filed with the City regarding this house. He noted one of the issues was the rubbish containers which had been going on for years. He thought it was about time the City Manager addressed these issues with the resident that filed the complaints. He pointed out Mr. O'Neil was present this evening and he was certain Mr. O'Neil was going to ask what had been done about his complaints. He asked Mr. Angelo if he had taken care of Mr. O'Neil's complaints. Mr. Angelo replied he would have to check his notes in his office because he could not respond off the top of his head this evening. Mr. Pozar noted there were three houses on Gould Avenue that were in dire need. Mr. Angelo noted the report he was just handed was dated September 26, 2011 and he asked for clarification from Mr. Pozar as to the time frame he was requesting. Mr. Pozar noted the September 26, 2011 report was the follow-up to the original report of six months ago. Mr. Angelo replied he would check into the progress and let Mr. Pozar know. Mr. Pozar apologized for blind siding Mr. Angelo regarding this issue but he wanted his request to be on the record so the next time there would be a resolution. Mr. Angelo appreciated Mr. Pozar's apology but he suggested Mr. O'Neil and Mr. Pozar give him a day to check into this issue. Mr. O'Neil said he was here regarding a parking ticket. He explained the aluminum siding was removed three months ago on this house and there was plywood where the windows should be. He noted he had spoken to Sgt. Mementowski who was going to file a report to the Building Department. He said he attended the meeting to see what the progress was. He noted the rubbish cans were out for over a week and he got a parking ticket because he violated the law so he thought since the resident at 29 Gould Avenue was in violation he too should be accountable. He asked why the City of Bedford's Building Department would allow someone to tear off siding and not replace it within two weeks. He thought the entrepreneurs that were buying the foreclosed properties were getting away with murder. He referred to the roof next door to him that needed replaced five years ago that took three years to replace. He felt as a 48 year citizen someone needed to take care of city business. Mr. Angelo said he gets a stack of incident reports every morning and it would be best for Mr. O'Neil to call him with any concerns. Mr. O'Neil was not faulting Mr. Angelo. Mr. O'Neil ended by saying that Sgt. Mementowski handled the situation very professionally and he was calm after talking to him. Mayor Pocek invited Mr. O'Neil to discuss any issues after the meeting.

Councilman Saunders thanked Mr. Angelo and Mr. Bellar for a job well done regarding the ash tree leaf pick up which allowed the leaves to not accumulate in the street gutters before the rain started. He asked if the auxiliary police were patrolling the neighborhoods regarding the vacant houses. Mr. Angelo said he did not know their schedules but he recently received a complaint as to why the auxiliary police were working on a Sunday. Mr. Saunders said he urged everyone to call the police if they saw a car in any

vacant houses driveway and it was better to be safe than sorry. Mr. Angelo explained there were 850 residents that had signed up for the police bulletin that was available through the city's website/email. He explained the police website alerts and he noted the idea was to get everyone involved so there would be extra eyes and ears for the police officers. He noted Chief Duber was very serious about listening to residents regarding additional information or concerns that noticed something odd in their neighborhoods.

Mayor Pocek welcomed the Cuyahoga Heights students. He told them they were in a very prestigious and respected city. He explained some of the pictures on the wall and some of their history. He explained he had been on the National League of Cities in a leadership position and a member for several years and he was selected to go to Washington D.C. to discuss some of the many city issues on October 27, 2011. He noted he was only going for the day and would be returning the same evening. He said some of the issues that would be discussed would be: jobs, infrastructure, immigration issues, first suburb issues and so on. He felt honored to be given this opportunity.

ORDINANCE NO. 8896-11, an ordinance amending Ordinance No. 8891-11 authorizing the purchase of a John Deere 4 X 2 gator through the State Cooperative Purchasing Program and declaring an emergency was read by title only.

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

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

Motion made by Pozar and seconded by Saunders to place Ordinance No. 8896-11 on third and final reading and passed.

Mr. Angelo explained Ordinance No. 8891-11 was passed by Council on October 3, 2011 but the dealer would not accept the check the way it was written so the original ordinance needed to add the company John Deere to the legislation. He said the City was still only purchasing one gator.

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

ORDINANCE NO. 8897-11, an ordinance declaring the property and structure located at 750 Northfield Road (P.P. 813-16-080) a nuisance, ordering action and declaring an emergency was read by title only.

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

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

Motion made by Pozar and seconded by Saunders to place Ordinance No. 8897-11 on third and final reading and passed.

Mr. Schuman explained the poor condition of the garage and its dangerous condition. He noted the property owner was notified over 60 days ago and the next ordinance on the agenda allows the City to demolish the garage. He noted after further investigation of numerous tax liens the City was going to pursue the property owner criminally even though Council was going to pass Ordinance No. 8898-11. This would save the City \$1,900 to demolish the garage.

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

ORDINANCE NO. 8898-11, an ordinance authorizing the City Manager to enter into a contract with Baumann Enterprises, Inc. and declaring an emergency was read by title only.

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

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

Motion made by Batten and seconded by Zolata to place Ordinance No. 8898-11 on third and final reading and passed.

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

ORDINANCE NO. 8899-11, an ordinance amending Section 913.02 of the Codified Ordinances of the City of Bedford as related to Sewer Rates and declaring an emergency was read by title only.

Motion made by Koci and seconded by Mizesak to place 8899-11 on first reading.

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

ORDINANCE NO. 8900-11, an ordinance authorizing the City Manager to enter into a contract with Emmanuel Capadona 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: Mizesak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Mizesak to place Ordinance No. 8900-11 on third and final reading and passed.

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

Kathy Williams, 491 Lamson Avenue announced 487 Lamson was vacant again. She asked if the violations were going to be addressed before the City allowed another occupancy permit. Mr. Angelo explained he had talked to the landlord about some of the issues and he also passed the information on to Mr. Seyboldt. He added the raccoon issue was still ongoing, however 99% was completed. Ms. Williams referred to an ordinance that spoke to construction requirements that stated that there must be a window in a room and she questioned how could a resident/landlord nail plywood up where a window should be. After a short discussion it was determined that Mr. Angelo would have the site visited. Ms. Williams assumed the mold issue hadn't been addressed either. Mr. Angelo stated as far as he knew the mold issue had been addressed. Ms. Williams noted she has been complaining for five years. Mr. Pozar asked if an occupancy permit was issued in 2011 would it be good for the whole year. Mr. Schuman clarified an occupancy permit was issued tenant to tenant not annually. Mr. Pozar asked if the Building Department

had written a report on this home. Mr. Angelo said he had stopped the process because the tenant was in the process of moving and other reasons which he chose not to say because he did not think it was appropriate. It was determined that this address would have complete inspection.

Jim O'Neil, 155 Gould Avenue expressed his concerns regarding Carr Brothers cement recycling on State Route 8. Mr. O'Neil was informed that the area in which he was speaking was not in the City of Bedford but rather Walton Hills. It was determined that Mayor Hurst would be called to voice his concerns. Mrs. Zolata referred to a similar situation that happen years ago and thought it was a good point.

Judy Motts, 437 Lamson Avenue explained her apron was destroyed by the City plow trucks. She understood in 2010 that her apron was to be repair/replaced in the summer of 2011 by the City. She added that she was then told that the City would pay for the costs of one square and she could pay for the other three squares. She noted the apron was getting very bad. Mr. Angelo agreed. Mrs. Motts said she must have contacted the Service Department on a bad day because of the attitude she received. Mr. Angelo commented that someone having a bad day was no excuse. Mrs. Motts then said when she talked to someone in the Building Department she was told that she had to discuss everything with Mr. Angelo. Mr. Angelo was not aware of this directive. He said if she was told the apron was going to be fixed this year then it would be. He thought there might be a difference of opinion as to how much each individual was responsible for.

Mayor Pocek reminded Council that Executive Session would reconvene after respected time with the residents.

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

Meeting adjourned at 8:40 P.M.



Joanne Sellers
Clerk of Council



Ronald S. Pocek
Mayor – President of Council