

**COUNCIL WORK SESSION  
MONDAY, OCTOBER 15, 2012**

**6:15 P.M. PROMPT**

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- **DISCUSSION OF AGENDA**
  
- **DISCUSSION OF BOARDS & COMMISSIONS RE-APPOINTMENTS**
  - **Civil Service**
  - **Board of Building Standards and Appeals**
  
- **DISCUSSION OF MASTER PLAN REVIEW COMMITTEE**
  
- **DISCUSSION OF LIBERTY NEWS & VIEWS NEWSPAPER**

Bedford, Ohio

October 15, 2012

Bedford City Council met in a Work Session at Bedford City Hall on Monday, October 15, 2012 at 6:15 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizsak, Greg Pozar, Donald Saunders. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Henry J. Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman. Economic Development Director Mike Mallis. Absent: None.

Mayor Pocek informed Council that there needed to be an emergency Executive Session added to the agenda this evening. At 6:16 p.m., Bedford City Council, City Manager Henry J. Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman and Economic Development Director Mike Mallis went into an executive session to discuss personnel. The Executive Session recessed at 6:39 p.m. Clerk Villers joined the Work Session after the Executive Session at 6:40 p.m.

Council had no issues with the October 1, 2012 Work Session minutes, the October 1, 2012 Regular Council minutes or the October 8, 2012 Special Council Work Session – Master Plan Review Committee minutes.

Ordinance No. 9008-12 was an ordinance authorizing the City Manager to purchase 700 Wellmon Street for \$15,000.00. On October 1, 2012, this piece of legislation was read as a first reading. Mr. Angelo suggested this be read as a second reading this evening. He was in the process of gathering information.

Resolution No. 2463-12 was a resolution authorizing the City Manager to seek financial assistance for the 2012 OPWC program. Mr. Angelo explained this would be a 50% match. There was discussion to the amount a bond should be and the \$1.9 million was acceptable. Mr. Angelo noted this was the first step in this process.

Resolution No. 2464-12 was a resolution authorizing the City Manager to enter into an agreement for Central Safety Forces Dispatch Center w/Bedford Heights and Maple Heights for the Dispatch Center. Mr. Angelo said as discussions continued with University Hospital's (UH) legal staff, the terms kept changing. He was going to start looking for a backup plan. Because of the direction of this issue, Mr. Schuman suggested this legislation be read as a first reading tonight. The other two cities hadn't brought their Council members up to speed on the whole situation. Mr. Pozar commented he was confused as to how all this got changed and it seemed to be convoluted, so why even continue working with UH.

Ordinance No. 9010-12 was an ordinance authorizing the City Manager to enter into a contract w/W. W. Williams – Cleveland in the amount of \$14,568.70 for emergency transmission repairs for the Fire Department pumper truck. Mr. Angelo noted this was an emergency and specialty repair so there was no need for additional quotes.

Ordinance No. 9011-12 was an ordinance authorizing the City to certify to the County Auditor costs associated with Police responses at 40 Talbot Drive a nuisance. Mr. Schuman commented Council was very familiar with this address because of the numerous ordinances that had previously been passed.

Mr. Schuman explained the next three ordinances dealt with the changes to the City's investment policy required by the State Auditor. The changes were to the Bankers Acceptances, Commercial Paper and defined how the City addressed different types of "risks". Mr. Gambosi commented he had to take a class on these changes. The following ordinances were:

Ordinance No. 9012-12 was an ordinance repealing Section 133.09(9)(b) of the Codified Ordinances.

Ordinance No. 9013-12 was an ordinance amending Sections 133.09(9) and adding new Sections 133.09(10), 133.09(11), 133.09(12) to the Codified Ordinances.

Ordinance No. 9014-12 was an ordinance amending Section 133.10 of the Codified Ordinances.

Council was still willing to hold off on the Civil Service Commission appointment. Mayor Pocek asked Council to give Clerk Villers a list of names for the Board of Building Standard and Appeals since Mr. Faraci had passed away a few weeks ago. This would be discussed at the next work session meeting.

Mayor Pocek said the Master Plan Review Committee (MPRC) was well underway. He explained to Council that the MPRC wanted to conduct the next meeting. Mr. Pozar thought it was best for them get organized, pick Chairs and when they were ready to address Council then Council and the Administration could be available for that particular meeting. Council thought the members had some good ideas but they needed to understand the City can't do everything and some of the suggestions were going to be considered a "wish list". The focus was to create the Master Plan so the City could apply for grants, bonds, guide the administration and set zoning. It needed to have "general headings" with a breakdown of each item.

Mayor Pocek was open for information regarding the Liberty News & Views Newspaper. Mr. Angelo spoke to Joe Mestnik and understood there was no cost for an article but a full page ad was \$750. The deadline was the 18<sup>th</sup> of every month and the newspaper would be delivered the first week of the following month. Council thought it was a good idea to get information regarding Bedford to the surrounding areas. The paper reached 17,000 homes and had a lot of positive information in it.

Mr. Angelo briefly explained that he had talked to Deb Hladky, the Oakwood Clerk of Council, and she would like to do a presentation regarding the student youth program she was involved in, where the students were participating in government. There was a sponsorship price for each student to be able to participate. Council was interested in additional information and would be considering a presentation soon.

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

  
Clerk of Council

  
Mayor – President of Council

**REGULAR MEETING**

**BEDFORD CITY COUNCIL  
STATE OF OHIO  
COUNTY OF CUYAHOGA**

**DATE: October 15, 2012**

**AGENDA**

**TIME: 8:00 P.M.**

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF MINUTES**

- a. Approval of Minutes of the Work Session of October 1, 2012
- b. Approval of Minutes of the Regular Meeting of October 1, 2012
- c. Approval of Minutes of the Special Council of October 8, 2012

**5. OLD BUSINESS**

- a. Ordinance No. 9008-12 purchase agreement for 700 Wellmon Street (\$15,000.00)  
(1<sup>st</sup> Rdg 10-1-12)

**6. REPORTS**

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

**7. NEW BUSINESS**

- a. Resolution No. 2463-12 authorizing the City Manager to seek financial assistance for the 2012 OPWC program
- b. Resolution No. 2464-12 authorizing the City Manager to enter into an agreement for Central Safety Forces Dispatch Center w/Bedford Hts & Maple Hts for the Dispatch Center
- c. Ordinance No. 9010-12 authorizing the City Manager to enter into a contract w/W. W. Williams – Cleveland (\$14,568.70)
- d. Ordinance No. 9011-12 authorizing the City to certify to the County Auditor costs associated with Police response 40 Talbot Drive a nuisance
- e. Ordinance No. 9012-12 repealing Section 133.09(9)(b) of the Codified Ordinances
- f. Ordinance No. 9013-12 Amending Sections 133.09(9) and adding new Sections 133.09(10), 133.09(11) 133.09(12) of the Codified Ordinances
- g. Ordinance No. 9014-12 Amending Section 133.10 of the Codified Ordinances

**8. HEARING OF CITIZENS**

**9. ADJOURNMENT**

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

Bedford, Ohio

October 15, 2012

Bedford City Council met in Regular Session at Bedford City Hall on Monday, October 15, 2012. Mayor Pocek called the meeting to order at 8:00 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Absent: None.

Motion made by Pozar and seconded by Saunders to approve the minutes of the Work Session of October 1, 2012. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to approve the minutes of the Regular Meeting of October 1, 2012. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Batten to approve the minutes of the Special Work Session – Master Plan Review Committee of October 8, 2012. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously. Mr. Saunders wondered if he should abstain because he was late to the meeting. Clerk Villers noted he entered the meeting at 7:37 p.m. and he still attended the meeting.

**ORDINANCE NO. 9008-12**, an ordinance authorizing the City Manager to execute a purchase agreement allowing the City of Bedford to purchase the property at 700 Wellman Street (P.P. NO. 813-29-042) and declaring an emergency placed on first reading October 1, 2012 was read by title only.

Motion made by Koci seconded by Zolata to place Ordinance No. 9008-12 on second reading.

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

Mayor Pocek invited all of Council, the attending Administration and the audience to the Fire Department after the meeting for the 911 dedication. Firefighter Millet, who volunteered to go to the World Trade Center after the 911 attack, welcomed everyone. He was very proud of the dedication which would be available for everyone to view for years to come.

No report from Henry J. Angelo, City Manager.

No report from Ken Schuman, Law Director.

No report from Frank Gambosi, Finance Director.

No report from Councilman Batten.

Councilman Koci reminded everyone to keep the grass and leaves out of the storm gutters. The Service Department was in the process of leaf collection.

Councilwoman Zolata informed everyone that there was also a filing cabinet at the Historical Society from the 911 World Trade Center attack. She asked Mr. Angelo to look into cars parking in their lawns on Broadway Avenue in her Ward.

Councilwoman Mizesak noted that both the Fire Department's annual clambake and the Light of Hearts Villa's event were very successful. She mentioned the new Bedford Community Emergency Room and Urgent Care is located at 22750 Rockside Road. Mayor Pocek and Vice-Mayor Koci attended the grand

opening of this new facility and it was a very nice facility. The hours were currently 9:00 a.m. to 9:00 p.m. 7 days a week. Mrs. Mizesak agreed with Mr. Koci regarding the grass and leaves being raked into the storm gutters. She requested the outcome of the recent Shred Day tonnage. Mr. Angelo replied he would get the information for her.

Councilman Pozar said a "note of caution" to the general public pertaining to the 2013 budget discussions. He listed several changes as that has been happening: a current decrease of \$500,000 in real estate taxes for 2012 leading to another \$160,000 less in 2013, added to a decrease of \$130,000 in inheritance taxes, a decrease of \$220,000 of local government taxes in 2013, another loss of \$134,000 in CAT taxes, which leads Council and the Administration to some "rocky times" during their budget discussions this Fall. He commended Mr. Gambosi on the information he submitted to Council for their consideration. He stated the "good news" was that the departments did not spend all their money in 2011 and 2012 so these funds were put back into the General Fund. He thought this should be considered during the budget discussions this year. He questioned the \$167,000 of back revenue owed that the City received regarding the \$4,300 monthly fee for the tower near City Hall. Mr. Gambosi clarified this pertained to an old lease which after this company had recovered their installation costs, it then allowed additional money to be paid in their monthly fee. After the recalculation, this company paid the City \$167,000 it was owed which would lead to a future lease. The previous amount was approximately \$2,000 and the new recalculated fee would be \$4,300 per month. It was a nice win-fall for the City.

Councilman Saunders stated "kudos" to the Service Department for their great efforts in the leaf collection before the weekend rains. He said the State of Ohio was currently in the process of trying to change the Home Rule regarding uniform income tax collection. The State of Ohio was trying to make all communities have a uniform income tax. All cities would have the same income tax structure, rates and so on. He noted this could affect the monies to the local governments. He urged everyone to voice their opinion to the State legislature and to tell them the local communities know how to handle their own tax departments.

**RESOLUTION NO. 2463-12**, a resolution authorizing the City Manager to seek financial assistance from the Ohio Public Works Commission (OPWC) State Public Works Program to fund various capital infrastructure improvement projects and declaring an emergency was read by title only.

Motion made by Koci seconded by Mizesak to suspend the rule requiring the reading of said resolution on three different days.

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

Motion made by Saunders and seconded by Mizesak to place Resolution No. 2463-12 on third and final reading and passed.

Mr. Angelo explained this was Issue II money from the State of Ohio to address the Broadway Avenue waterline and sewer replacement from Hawthorn Parkway to William Street. Projected cost of \$1.9 million for this project.

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

**RESOLUTION NO. 2464-12**, a resolution authorizing the Mayor to enter into an agreement for the construction of a central safety forces dispatch center to be known as the Southeast Emergency Communication Center ("SECC") through the Southeast Regional Council of Governments ("SRGC") in

cooperation with the City of Bedford Heights and the City of Maple Heights and declaring an emergency was read by title only.

Motion made by Koci seconded by Batten to place Resolution No. 2464-12 on first reading.

Mayor Pocek briefly explained this resolution had not been addressed by the Council bodies at the City of Bedford Heights and the City of Maple Heights.

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

**ORDINANCE NO. 9010-12**, an ordinance authorizing the payment of \$14,568.70 to W. W. Williams – Cleveland for emergency transmission repairs on the 2000 Allison HD 4060PR 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: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Pozar and seconded by Mizensak to place Ordinance No. 9010-12 on third and final reading and passed.

Mr. Angelo noted this was an emergency repair to the Fire Department's pumper truck. This was a specialty repair so there was no need for additional quotes.

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

**ORDINANCE NO. 9011-12**, an ordinance authorizing the City of Bedford to certify to the County Fiscal Officer the costs associated with police response at 40 Talbot Drive 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 Saunders seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days.

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

Motion made by Saunders and seconded by Mizensak to place Ordinance No. 9011-12 on third and final reading and passed.

Mr. Schuman explained this was a repeat offender and these costs would be assessed to the homeowner.

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

**ORDINANCE NO. 9012-12**, an ordinance repealing Section 133.09 (9) (b) of the Codified Ordinances of the City of Bedford and declaring an emergency was read by title only.

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

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

Motion made by Mizesak and seconded by Saunders to place Ordinance No. 9012-12 on third and final reading and passed.

Mr. Schuman explained the next three ordinances dealt with the changes to the City's investment policy required by the State Auditor. The changes were to the Bankers Acceptances, Commercial Paper and defined how the City addressed different types of "risks".

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

**ORDINANCE NO. 9013-12**, an ordinance amending Section 133.09 (9) and adding new Sections 133.09(10), 133.09(11), 133.09(12), "Investment Authorized: Limitations; Procedure" to the Codified Ordinances of the City of Bedford 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: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Pozar to place Ordinance No. 9013-12 on third and final reading and passed.

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

**ORDINANCE NO. 9014-12**, an ordinance amending Section 133.10 entitled "Treasury Investment Account; Duty of Finance Director" of the Codified Ordinances of the City of Bedford and declaring an emergency was read by title only.

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

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

Motion made by Mizesak and seconded by Koci to place Ordinance No. 9014-12 on third and final reading and passed.

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

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

Joyce Daunch, 86 Harriman Street, clarified the Fri-Dates started Friday, October 19, 2012. These concerts were going to be once a month of various different types of music. She urged and invited everyone to join them for these "free" concerts. She then asked about the new business located on Solon Road that was in the process of placing very large cement blocks around the property. Her concern was that this was an entryway into Bedford. Mr. Angelo explained this was a new landscaping company and the blocks were to maintain landscaping materials for easier loading. This company was renting five acres of commercial property from the City and they were in the process of expanding their business.

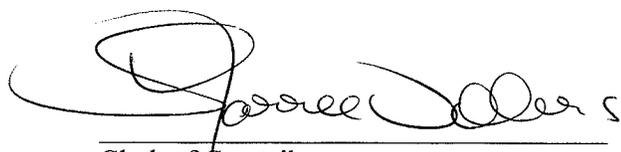
Sandy Spinks, 265 Grand Boulevard, said on October 31, 2012 the church members were going to be passing out candy to the children in "holy" type costumes from 6:45 p.m. to 8:00 p.m. She thought it was very "neat" and a positive (not evil) thing for the children. This was Pastor Boquist's great idea.

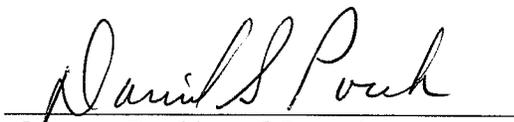
Jeff Duber, 134 Harriman Street, voiced concerns regarding the intersection on Washington, Franklin and Harriman Streets. His concern was the location of the stop-bar. He also noted this intersection was considered as an "off-set" intersection so he felt it needed to be reviewed again. His other concern was the amount of rubbish that was being piled, not bagged, on the lawn at either 128 or 130 Harriman Street. Mr. Angelo said Mr. Bellar would address this issue. Mr. Bellar has been contacting these residents and making them contact the City's rubbish company (Kimble) for a dumpster.

Frieda Hutchison, 79 Woodrow Avenue, noted for the record that this was not about personalities but about policies. She opened the discussion with what she felt was the "monthly extortion money" she was paying the Water Department. She felt the City should revisit/consider the "ethical and legal policy practices" of the Bedford's Water Department. She then said she had attended the Master Plan Review Committee meeting which she had several suggestions to bring people to Bedford. She felt retail was not the answer; however, education was as she listed several different types of colleges. Lastly she had issues with Ordinance No. 8997-12 regarding the police response to 172 John Street. She stated this ordinance was signed by Mayor Pocek and the Clerk of Council. She interpreted the ordinance as the police officers would "no longer respond to this address". She thought the Ashtabula police officers did not do their jobs and that's why two females died. She felt this policy was being abused, unrecorded and unremembered. Mr. Angelo informed everyone for the record that there was no such thing as the police department not responding. The police officers do respond and because of that there were costs involved known as a public nuisance system. He stated he would like to have the name of the person that told her this information. Ms. Hutchison replied he (Mr. Angelo) would have their name in the morning. She then added this was not her address. She figured she was absolutely on "this list" and if she wasn't on the list, she thought first thing tomorrow morning proceedings would be going into effect to make she was on the list. Mr. Koci responded she was totally inaccurate. Mrs. Zolata asked Ms. Hutchison what her association was with 172 John Street. Ms. Hutchison replied she had no association with 172 John Street. She was just reading the newspaper and came across the legislation.

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

Meeting adjourned at 8:40 P.M.

  
Clerk of Council

  
Mayor – President of Council