

COUNCIL WORK SESSION

MONDAY, NOVEMBER 2, 2015

5:30 P.M. PROMPT

- **BUDGET –**
Municipal Court

- **DISCUSSION OF AGENDA**

- **DISCUSSION OF WATER AND SEWER DISCOUNT FOR SENIOR CITIZEN AND PERMANENTLY DISABLED –** (§911.03 – Gambosi) (10/19/15 Work Session)

- **DISCUSSION OF COUNCIL RECEPTIONS & MEALS –** (Ref: #9127-13)

- **DISCUSSION OF COUNCIL EXPENDITURES –** (Pozar)

- **DISCUSSION OF §505.20 “HUNTING PROHIBITED” & ENACTING §505.26 “SPECIAL PERMITS FOR CULLING DEER”**

- **DISCUSSION OF ENACTING §505.26 ENTITLED “INTERFERENCE WITH TAKING WILDLIFE”**

- **DISCUSSION OF AMENDING §549.09 “THROWING OR SHOOTING PROJECTILES”**

- **EXECUTIVE SESSION –** (Personnel/Economic Development)

Bedford, Ohio

November 2, 2015

Bedford City Council met in a Work Session at Bedford City Hall on Monday, November 2, 2015 at 6:10 p.m. Present: Council Members: Mayor Stan Koci, Marilyn Zolata, Walter Genutis, Greg Pozar, Don Saunders, Paula Mizesak. Absent: Sandy Spinks. Administration: City Manager Michael Mallis, Law Director John Montello, Finance Director Frank Gambosi, Clerk of Court Tom Day and Clerk of Council Lorree Villers.

Municipal Court

Mr. Day was present this evening to discuss the Bedford Municipal Court's budget. Mr. Mallis felt the City and Court had a great relationship and the healthcare had been a challenge for all. Mr. Day appreciated the joint cooperation and support from Council and the Administration. Election Day is tomorrow where a new judge would be elected and Judge Melling would continue to be the presiding Judge.

Mr. Day spoke of the grant that was used for managing the Court's information, the necessary continuing education and the record retention of 50 years for their records. The new phone system was a challenge but was well organized by Bobbie Delaney. Mr. Montello added the Court's staff did a great job assisting him as the City's Prosecutor. Mr. Pozar asked how the Court handled travel, meals, mileage and expenses. Mr. Day explained the employee had to get permission from him before they could go to any classes and/or spend money.

Mr. Day explained the computer fund was a driven fund for professional services, computer maintenance and other items. He spoke of various special funds and how they were used. The Revenue portion of the budget for the General Fund varied throughout the years. Some of the money came from State funding from the Indigent Drivers Alcohol Treatment and the costs were divided. The remaining Revenue items were basically the same as the Expense portion of their budget. It was determined it was the responsibility of Mr. Day to track the costs on a regular basis and keep the budget balanced. The increase in Fund #5901 was due to treatment(s) to help the violators. Fund #9700 was for equipment in the amount of \$2,500 or more with no City participation. Fund #6410 increased because of not only ankle bracelet home devices but the breathalyzer device for those who were not allowed to consume alcohol. Fund #3200 in the amount of \$25,000 was used to pay the Law Clerk. Fund #5350 was used for specific vendors who specialized in the kind of services the Court required. Discussion was held regarding Fund #1870 of the formula of other communities for billing and collections. Mr. Day explained there was an increase in indigent cases from last year. Council was concerned with maintaining Bedford's housing stock and questioned how some of these violators were addressed in order to avoid decay in the City. Mr. Day felt the City and Court worked well together. He thanked Council and the Administration for their time and felt everyone worked well together.

Mayor Koci began discussion of the Regular Council Meeting agenda.

Council had no changes to the Work Session of October 19, 2015, the Regular Meeting of October 19, 2015, the Budget Session of October 26, 2015, the Special Work Session of October 26, 2015 and the Special Council Meeting of October 26, 2015.

Ordinance No. 9313-15 was the rezoning of Cleveland Metroparks property "R-1 to R-4" (P.P. 814-19-001). Went to the Planning Commission on August 4, 2015, the Planning Commission Public Hearing on September 29, 2015, first reading on October 5, 2015 and second reading on 2nd reading October 19. There were no amendments to this Ordinance.

Ordinance No. 9314-15 was the rezoning of the Sisters of Charity Property "R-1 to R-4" (P.P. 814-19-002 & 814-19-003). Was in conjunction with Ordinance No. 9313-15 which also went to the Planning

Commission on August 4, 2015, the Planning Commission Public Hearing on September 29, 2015 first reading and amended on October 5, 2015 and second reading and amended again on October 19, 2015.

At the October 5, 2015 and October 19, 2015 Work Sessions, Council had some concerns regarding the wording. Mr. Montello would contact Mr. King again to further discuss amending this Ordinance pertaining to the Sisters of Charity property. This evening Council amended it to read: 1) The rezoning to "R-4" is conditioned on the Testa Company's purchase of parcels P.P. 814-19-002 and 814-19-003 for the specific purpose of operating an Independent Senior Living facility for individuals 55 years of age or older. Further, the facility shall consist of approximately 60 units within existing buildings including new additions thereto and shall operate as a senior living facility only. No one younger than 55 years of age shall be permitted to live in the units unless the person is a spouse or otherwise permitted by law. 2) Testa shall also be permitted to partner with Hattie Larlham to convert the "school building" into units for people with developmental disabilities with no age restriction. In the event Hattie Larlham does not partner with Testa, the "school building" shall also be used for senior living apartments subject to the conditions stated in paragraph one. 3) At or around the time of deed transfer, Testa shall parcel out and lot split the Catered Elegance facility, the Catered Elegance parking lot and the Light of Hearts Villa property as depicted on the map attached hereto and incorporated by reference. Those parcels are not subject to the rezoning and shall remain zoned "R-1". 4) The current percentage of green space as shown on said map shall remain green space and the existing Shrine shall remain until otherwise agreed to by the parties. 5) The parties shall memorialize the above in the form of deed restrictions approved by the City Manager and Testa.

Council requested in Section 1 (1) the wording "or otherwise permitted by law" be removed. Mr. Montello would advise Mr. King of the amendment.

Ordinance No. 9317-15 amended Chapter Nine adding Chapter 178 "Municipal Income Tax" (§161-§177 remain in full force prior to 2016). Mr. Gambosi explained the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government delegated by the people of the State to the people of municipalities. Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipality's power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes". The General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio. The General Assembly enacted H.B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax was "levied in accordance with the provisions and limitations specified in [Chapter 718]". Detailed review of H.B. 5 and the Codified Ordinances of the City of Bedford, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code. Council needed to determine that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in [Chapter 718]" and thus reluctantly are adopted by this Council but are disclaimed to the extent that they are unlawful or unconstitutional. He passed out a handout for Council to follow as he touched on each area that explained the "Current Laws" and "New Laws" for: Consolidated Returns, Interest, Penalties, Income, Withholding Penalty and Other items. The handout also included an example of the Ohio's New Tax Law – Net Operating Loss Carry Forward Calculation. (See attached) Read as first reading October 19, 2015 and second reading this evening.

Ordinance No. 9323-15 was for a master subscription and service agreement with eCivis, Inc. in the amount of \$2,635. Mr. Mallis reiterated two employees had attended a seminar where they felt this service would benefit the City. Read as first reading October 19, 2015 and second reading this evening.

Ordinance No. 9324-15 accepted the titles to parcels of land obtained through the CCLRC identified as: P.P. #813-16-065, #813-21-019, #813-31-022, #813-31-023, #814-10-111. The City's Land Reutilization Program fostered the return of non-productive land to tax revenue generating status or the devotion to public use. The CCLRC would revitalize neighborhoods, promote economic growth and create job and workforce development opportunities and assist local governments in effective use and re-use of vacant properties. The CCLRC agreed to acquire these parcels and desired to return the parcels to the City for use. Read as first reading October 19, 2015 and second reading this evening.

Ordinance No. 9329-15 was a purchase agreement with Ronald Brewer and Amy Gilkerson for 831 Lincoln in the amount of \$86,000. Mr. Mallis explained there was one more City home that needed to be sold. He also saved a few hundred dollars by eliminating the cost of the warranty. There was a difference of opinion whether the warranty was necessary or not but nothing was amended otherwise.

Ordinance No. 9330-15 was a one (1) year moratorium on the 3% increase to water rates mandated by §911.01. Mr. Gambosi clarified this moratorium was for the water rates only not sewer. He said Council had recently discussed a 4% sewer rate increase.

Ordinance No. 9331-15 was for employee's to make insurance plan premium contributions regarding Plan 125. Mr. Gambosi explained this was to establish a Premium Only Plan (POP) within Section 125 of the Internal Revenue Code so that participants/employees would not have to include as taxable income the amount of compensation they used to pay their premium contributions. This clarified that the Administration and Council wished to permit participation to those eligible in the Section 125 plan(s) for the calendar year 2016. There was discussion regarding the importance of the three unions' contracts ending at the same time prior to 2018 so the City would not solely absorb the penalty. With everything happening with insurance changes these days it was hard to plan ahead.

Ordinance No. 9332-15 waived the estimated penalty payments & interest on Municipal Income Tax pertaining to Chapter 178. Mr. Gambosi explained the payments needed to be made on time or there would be a penalty and they would be billed. This would be read this evening as a first reading.

Ordinance No. 9333-15 appointed three (3) members to the Local Board of Tax Review pertaining to ORC 718 and the City of Bedford's Codified Ordinance Section 178.18 for a 2 year term. Two out of the three members agreed to serve on this board but the other was in question. This would be read this evening as a first reading.

Discussion of the Regular Meeting agenda was concluded.

DISCUSSION OF WATER AND SEWER DISCOUNT FOR SENIOR CITIZEN AND PERMANENTLY DISABLED

This item of discussion was before Council on October 19, 2015 where Mr. Gambosi felt the qualifications should be changed to "household income" because some seniors qualified for the discount. The City was noticing permanent extended families living within the same dwelling. Some seniors were also earning interest through large amounts of dividends. This information could be checked through the City's Income Tax records. He previously felt anything over \$3,000 in dividends in the bank was a reasonable level but he needed clarification from Council. Some seniors had an adult child and their family living with them

making \$50,000+ per year. The extended family members were using the discounted water and could also afford to help with the bills. It was determined the requirements/qualifications needed to be amended and Council agreed with Mr. Gambosi that there needed to be changes.

DISCUSSION OF COUNCIL RECEPTIONS & MEALS

Mr. Montello pointed out Ordinance No. 9127-13 needed amended for the Council reception of 2016. It was determined to leave the amount of \$1,000 and to move the Organizational Meeting of Saturday, January 2, 2016 to the following Monday, January 4, 2016. Mr. Montello was instructed to address this by Ordinance.

DISCUSSION OF COUNCIL EXPENDITURES

Mr. Pozar requested these items be placed on the agenda for discussion. He pointed out some communities have a process of placing an ordinance for discussion and/or passage. He felt all of Council should have a decision whether other Council members attended various seminars or continuing educations classes because of the amount of money that was being spent. Some of these trips were costly. Council needed to authorize other Council members to spend money as it was done for all other employees. There should be some type of report given so others knew the importance of the seminar and whether it pertained to Council/City business. He felt these items needed discussed further and it was too late to do anything about the NLC trip that was scheduled this week. He felt there should be a process to authorize Council to spend the funds for all organizations, traveling, seminars and continuing education. He pointed out there was total of \$10,000+ spent between Council and City Manager dues for various organizations that he did not know if they were all necessary. Mr. Genutis agreed there needed to be some type of report given. Mrs. Zolata said the report could be given off the notes taken in class. Mrs. Mizsak noticed Bedford was considered a small community compared to other cities. Mayor Koci said the seminars were beneficial and a lot could be learned at the round table discussions. It was determined this topic would be on the next Work Session agenda for discussion.

DISCUSSION OF §505.20 "HUNTING PROHIBITED" & ENACTING §505.26 "SPECIAL PERMITS FOR CULLING DEER"

Chief Nietert submitted the amendments for discussion. Mr. Mallis explained the changes were as follows: §505.20 would be renamed as "Hunting and Trapping Regulated" where no person shall hunt, kill, attempt to kill, or trap any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality, except as follows: 1) A law enforcement officer or animal warden in discharge of his or her duties; and 2) Any person authorized by the Police Chief while participating in a city authorized animal control program; 3) A state licensed nuisance animal trapper or property owner, utilizing trapping or culling methods in accordance with rules and regulations established by the Chief of Police and/or The Ohio Division of Wildlife; 4) Any person participating in a city approved Deer Management Program and no person shall set or maintain any trap within the municipality, except under the authority of the owner or lawful occupant of the premises and the Chief of Police and whoever violates this section is guilty of a misdemeanor of the first degree. It was determined Chief Nietert needed to be present at the next meeting for questions.

Also this ordinance enacted §505.201 into the Codified Ordinances to read as follows: §505.201 "Special Permits for Culling Deer". Special permits may be issued by the Chief of Police with the approval of the City Manager for culling deer on private or public property by means of archery or other methods permitted by the Chief of Police provided the appropriate permit(s) have already been obtained from The State of Ohio, Division of Wildlife, and there was compliance with all state and local regulations. Plus, whoever violates this section was guilty of a misdemeanor of the first degree. It was determined Chief Nietert needed to be present at the next meeting for questions.

DISCUSSION OF ENACTING §505.26 ENTITLED "INTERFERENCE WITH TAKING WILDLIFE"

Chief Nietert submitted the amendments for discussion. Mr. Mallis explained §505.26 would be titled "Interference with Taking Wildlife". The guidelines were: No person may, for the purpose of hindering or preventing the lawful taking of wildlife pursuant to the city's Wildlife Management Program as set forth in Codified Ordinance §505.20 herein, engage in any of the following conduct: 1) Block, obstruct, impede or attempt to block, obstruct or impede a person lawfully taking wildlife; 2) Erect a barrier with the intent to deny ingress or egress from areas where wildlife may be lawfully taken; 3) Make or attempt to make unauthorized physical contact with, or in any way interfere with a person lawfully taking wildlife; 4) Engage in or attempt to engage in theft, vandalism or destruction of personal or real property intended for use in the lawful taking of wildlife; 5) Disturb or alter, or attempt to disturb or alter the condition or authorized placement of personal or real property intended for use in the lawful taking of wildlife; 6) Enter or remain upon public lands or waters, or upon private lands or waters without the permission of the owner thereof, or an agent of that landowner, where wildlife may be lawfully taken and 7) Make or attempt to make loud noises or gestures; set out or attempt to set out animal baits, scents, lures or human scent; use any other natural or artificial visual, aural, olfactory or physical stimuli, or engage in or attempt to engage in any other similar action or activity in order to disturb, alarm, drive, attract or affect the behavior of wildlife, or disturb, alarm, disrupt, annoy or interfere with a person lawfully taking wildlife. A 200-foot buffer zone around any authorized and designated site being used for an animal or wildlife control program as established in §505.20 and §505.201. No person shall enter the 200-foot buffer zone during the implementation of any program as authorized in §505.20 and 505.201; provided, however, that the buffer zone authorized herein shall not extend over any land owned by a private landowner unless such private landowner has consented to the use of his or her land as an authorized and designated site. It would not apply to a law enforcement officer, game officer or conservation officer enforcing the laws of the state or any local ordinance, nor shall it apply to any private landowner, or agent thereof, on land or waters owned by that private landowner, nor anyone officially authorized by the city to engage in the city's Wildlife Management Program. The City and/or the Division of Wildlife may initiate a civil action in the Court of Common Pleas for injunctive and other relief for any violation of this section. Any person who violates any provision of this section would be guilty of a misdemeanor of the first degree for each violation. It was determined Chief Nietert needed to be present at the next meeting for questions.

DISCUSSION OF AMENDING §549.09 "THROWING OR SHOOTING PROJECTILES"

Chief Nietert submitted the amendments for discussion. Mr. Mallis explained no person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar projectile capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. He said the sections that did not apply were: 1) Supervised archery ranges; 2) Person(s) authorized by The Chief of Police while participating in a city authorized animal control or deer management program; 3) Programs of instruction authorized by the City Manager or Chief of Police and 4) Any other lawfully authorized programs. Violators would be guilty of a misdemeanor of the third degree. It was determined Chief Nietert needed to be present at the next meeting for questions.

Motion to accept the Planning Commission recommendation of October 20, 2015 for Alex Hillis, 1067 Gateway Drive, Farmington, NY/Hope United Methodist Church 79 Center Road, Bedford who is seeking to construct an 8' x 12' Collection and Drop-off Box

The Planning Commission failed this request because they did not have the authority to override the City's Codified Ordinances. The church was zoned as "R-1" and §1341.24 spoke to commercial properties. Council was in agreement with the Planning Commission's recommendation.

Motion to accept the Planning Commission recommendation of October 20, 2015 for Ohio Awning & Mfg. Co., 5777 Grant Street, Cleveland, Ohio/Bedford University Hospital 44 Blaine Avenue, Bedford, Ohio who was seeking to construct a 12' x 30' canopy at the front entrance of the hospital

Mr. Mallis explained the awning would be UH red and the only other thing that needed addressed was the lighting for safety reasons. Council was pleased with the improvement.

Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Jake Friedl, 445 Lamson Avenue, Bedford who was seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for a variance to construct a 1,883 square foot home, not including the two car attached garage

Mr. Montello explained the applicant reduced the size of the home after he originally applied. The area was considered a flood zone and the Board wasn't sure if there was anything the City's Engineer had to approve; however, they did not have any issues with the requested variance. Council agreed with the recommendation of the BZA.

Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Bentbrook Development, LLC who was seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for front yard setback variances for eight separate parcels to build single family dwellings in Phase 1

The Board of Zoning approved the front yard setback variances for sublots 13, 14, 15, 16, 17, 18, 19 and 20 for a 15 foot variance for the Phase I Bentbrook Development on Hubble Way. The front yard setback variances were for eight (8) separate parcels in order to build single family dwellings. Council agreed with the recommendation of the BZA.

Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Bentbrook Development, LLC who was seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for rear yard setback variances for sublots 14 and 15 depending on the dimensions of the dwelling being built

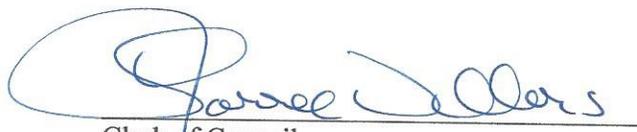
The Board of Zoning failed this request because of the rear yard setback. The Board felt the rear yard setback variance for sublots 14 and 15 depended on the dimensions of the dwellings being built. Sublot 15 was very tight for the footprint of the three selected homes for this development so they suggested to Mr. Neff that a different home be selected for this lot.

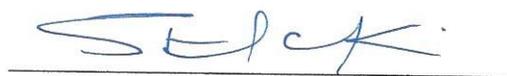
Motion made by Genutis and seconded by Mizesak to go into executive session to discuss Personnel and Economic Development. The roll was called. Vote – Yeas: Zolata, Pozar, Koci, Mizesak, Genutis, Saunders. Nays: None. Motion carried unanimously.

At 7:42 p.m., Bedford City Council, City Manager Mike Mallis, Law Director John Montello, went into an executive session to discuss Personnel and Economic Development.

Executive session adjourned at 7:57 p.m.

Work Session adjourned at 7:59 p.m.


Clerk of Council


Mayor – President of Council

1. CALL TO ORDER**2. PLEDGE OF ALLEGIANCE****3. ROLL CALL****4. APPROVAL OF MINUTES**

- a. Approval of Minutes of the Work Session of October 19, 2015
- b. Approval of Minutes of the Regular Meeting of October 19, 2015
- c. Approval of Minutes of the Special Work Session of October 26, 2015
- d. Approval of Minutes of the Special Meeting of October 26, 2015
- e. Approval of Minutes of the Budget Session of October 26, 2015

5. PRESENTATIONS - Swearing-in Patrolman James Stolarik – HVYC Student**6. OLD BUSINESS (8/4/15 PC – 9/29/15 PC PH – 1st Rdg 10/5/15 Amended – 2nd Rdg 10/19/15 Amended)**

- a. Ordinance No. 9313-15 rezoning Cleveland Metroparks property “R-1 to R-4” (P.P. 814-19-001)
- b. Ordinance No. 9314-15 rezoning Sisters of Charity Property “R-1 to R-4” (P.P. 814-19-002 & 814-19-003)
- c. Ordinance No. 9317-15 amending Chapter Nine adding Chapter 178 “Municipal Income Tax”
(§161-§177 remain in full force prior to 2016) (1st Rdg 10/19/15)
- d. Ordinance No. 9323-15 master subscription and service agreement w/eCivis (\$2,635) (1st Rdg 10/19/15)
- e. Ordinance No. 9324-15 accept the titles to parcels of land obtained through the CCLRC (1st Rdg 10/19/15)

7. REPORTS

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

8. NEW BUSINESS

- a. Ordinance No. 9329-15 purchase agreement w/Ronald Brewer & Amy Gilkerson for 831 Lincoln (\$86,000)
- b. Ordinance No. 9330-15 1 year moratorium on the 3% increase to water rates mandated by §911.01
- c. Ordinance No. 9331-15 employee participants to make insurance plan premium contributions (Plan 125)
- d. Ordinance No. 9332-15 waive estimated penalty payments & interest on Municipal Income Tax (Chapter 178)
- e. Ordinance No. 9333-15 members to the Local Board of Tax Review (ORC 718/Chapter 178.18 – 2 yr terms)
- f. Motion to accept the Planning Commission recommendation of October 20, 2015 for Alex Hillis, 1067 Gateway Drive, Farmington, NY/Hope United Methodist Church 79 Center Road, Bedford who is seeking to construct a 8’ x 12’ Collection and Drop Off Box – Ref: 1341.24 (roll call) (PC failed)
- g. Motion to accept the Planning Commission recommendation of October 20, 2015 for Ohio Awning & Mfg. Co., 5777 Grant Street, Cleveland, Ohio/Bedford University Hospital 44 Blaine Avenue, Bedford, Ohio who is seeking to construct a 12’ x 30’ canopy at the front entrance of the hospital – Ref: 1305.09 (roll call)
- h. Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Jake Friedl, 445 Lamson Avenue, Bedford who is seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for a variance to construct a 1,883 square foot home, not including the two car attached garage (roll call)

- i. Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Bentbrook Development, LLC who is seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for front yard setback variances for eight separate parcels to build single family dwellings in Phase 1 (roll call)
- j. Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Bentbrook Development, LLC who is seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for rear yard setback variances for sub lots 14 and 15 depending on the dimensions of the dwelling being built (roll call)

9. **HEARING OF CITIZENS**

10. **ADJOURNMENT**

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

Bedford City Council met in Regular Session at Bedford City Hall on Monday, November 2, 2015. Mayor Koci called the meeting to order at 8:04 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Absent: Spinks.

Motion made by Zolata seconded by Genutis to excuse Councilwoman Spinks. The roll was called. Vote – Yeas: Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Saunders to approve the minutes of the Work Session of October 19, 2015. The roll was called. Vote – Yeas: Koci, Mizesak, Genutis, Saunders, Zolata. Nays: None. Abstain: Pozar. Motion carried.

Motion made by Zolata and seconded by Genutis to approve the minutes of the Regular Meeting of October 19, 2015. The roll was called. Vote – Yeas: Koci, Mizesak, Genutis, Saunders, Zolata. Nays: None. Abstain: Pozar. Motion carried.

Motion made by Genutis seconded by Zolata to approve the minutes of the Special Work Session of October 26, 2015. The roll was called. Vote – Yeas: Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Mizesak to approve the minutes of the Special Meeting of October 26, 2015. The roll was called. Vote – Yeas: Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Genutis to approve the minutes of the Budget Session of October 26, 2015. The roll was called. Vote – Yeas: Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Patrolman James Stolarik was sworn-in by Mayor Koci with Deputy Chief Marty Stemple present. Deputy Chief Stemple thanked Council, the Administration and the Civil Service Commission for their support. He passed on a message from Chief Kris Nietert to Patrolman Stolarik to be fair and honest with the public, act in a just and righteous manner and to always honor the badge. Mayor Koci read the Certificate declaring November 13, 2015 “World Pancreatic Cancer Day”. The Oakwood Village Clerk of Council Deb Hladky and two Hawthorne Valley Youth Council Bedford Students Kayla Skylar Gocz and Jamika Jackson both 7th grade students introduced themselves, spoke about first time experiences and thanked the City of Bedford for their support. The City also sponsored Sarah Davison who was not present this evening. Mrs. Hladky pointed out Bedford’s HVYC representative Yvonne Sudberry in the audience. She explained the next task for the students was the tedious efforts of Case Writing and Bill Writing. She explained some of the costs were: a \$10 fee for the Youth Leadership Association, a \$75 deposit per student for the Columbus trip, \$50 shirt and back pack, and the cost per student was approximately \$500 reduced by grants and corporate donations at a cost of \$250 per student. She thanked the City of Bedford for their support.

Mayor Koci announced the Cleveland Ballet School of Dance would be locating a school in the Historical Downtown Bedford. He introduced a former ballerina and the Chairman of the Board both who welcomed everyone to visit their new facility. At the Tree Lighting ceremony this year there will be a performance by the Cleveland Ballet.

ORDINANCE NO. 9313-15 AN ORDINANCE REZONING METROPARKS PROPERTY DESCRIBED HEREIN FROM "R-1" TO "R-4" CLASSIFICATION WAS PLACED ON FIRST READING OCTOBER 5, 2015 AND SECOND READING ON OCTOBER 19, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Zolata seconded by Genutis to place Ordinance No. **9313-15** on third and final reading and passed.

Mr. Mallis explained this parcel had to be rezoned in conjunction with Ordinance No. 9314-15 for contiguous rezoning to allow the development the Testa Company has brought forth.

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

ORDINANCE NO. 9314-15 AN ORDINANCE REZONING THE SISTERS OF CHARITY PROPERTY DESCRIBED HEREIN FROM "R-1" TO "R-4" CLASSIFICATION WAS PLACED ON FIRST READING OCTOBER 5, 2015 AND SECOND READING ON OCTOBER 19, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Mr. Montello stated the ordinance was amended at the Work Session this evening; Section 1 (1) “or otherwise permitted by law” would be deleted.

Motion made by Zolata seconded by Genutis to amend Ordinance No. 9314-15 to delete the wording in Section 1 (1) “or otherwise permitted by law”. Mr. King interrupted the roll call and asked for Ordinance No. 9314-15 to be tabled until the next Council meeting to allow him an opportunity to address the amendment. Mr. Montello stated the removal of the wording “or otherwise permitted by law” actually went without saying. Mayor Koci excused Mr. Montello from the meeting to discuss the amendment with Mr. King. Mayor Koci thought it would be in the best interest instead of waiting two more weeks. Council and the Administration were behind the Testa project. The roll call was not completed for the amendment.

Motion made by Genutis seconded by Zolata to place Ordinance No. **9314-15** on the table.

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

ORDINANCE NO. 9317-15 AN ORDINANCE AMENDING TITLE NINE OF THE ADMINISTRATIVE CODE ADDING CHAPTER 178 “MUNICIPAL INCOME TAX” FOR THE TAX YEARS COMMENCING JANUARY 1, 2016 AND AUTHORIZING THAT CHAPTERS 161 THRU 177 “INCOME TAXATION” SHALL REMAIN IN FULL FORCE AND EFFECT FOR TAX YEARS PRIOR TO 2016 PLACED ON FIRST READING OCTOBER 19, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Zolata seconded by Genutis to place Ordinance No. **9317-15** on second reading.

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

ORDINANCE NO. 9323-15 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MASTER SUBSCRIPTION AND SERVICE AGREEMENT WITH eCIVIS, INC. PLACED ON FIRST READING ON OCTOBER 19, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizens seconded by Pozar to place Ordinance No. **9323-15** on second reading.

The roll was called. Vote – Yeas: Koci, Mizens, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9324-15 AN ORDINANCE AUTHORIZING THE CITY OF BEDFORD TO ACCEPT THE TITLES TO PARCELS OF LAND OBTAINED THROUGH THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION IN THE CITY OF BEDFORD PLACED ON FIRST READING ON OCTOBER 19, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY (P.P. #813-16-065, #813-21-019, #813-31-022, #813-31-023, #814-10-111)

Motion made by Zolata seconded by Genutis to place Ordinance No. **9324-15** on second reading.

The roll was called. Vote – Yeas: Koci, Mizens, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

The Administration and Council members welcomed Patrolman Stolarik to the City of Bedford Police Department. Council showed support for Councilman Saunders, Councilwoman Mizens and Councilman Genutis who were running for re-election; Councilwoman Mizens was the only one running with opposition.

City Manager Michael Mallis commended the new K-9 Officer and his handler Officer Futo as their joint efforts found the missing girl within 10 minutes. He urged the residents to be patient regarding the leaf pickup; the crew was out. He updated everyone on the Columbus Road Bridge project; Schirmer Construction LLC would start the week of November 16th maintaining one lane traffic. Roughly starting March 14th the bridge will be closed for 60 days. He announced City Hall would be closed November 11th honoring the Veterans. He congratulated Officer Futo and Firefighter Latkovic for being selected as the Eagles Officer and Firefighter of the year.

No report from Law Director John Montello.

Finance Director Frank Gambosi was pleased with the efforts of the Civil Service Commission in the selection/testing of Patrolman Stolarik. He urged the residents to review on the City's website the new changes regarding Income Tax especially the due dates.

Councilwoman Mizens said her 50th wedding anniversary was the same date as "World Pancreatic Cancer Day". She said during her debate she was asked how she felt about the Bedford Automile. She stated the Automile had done wonderful things for the City besides their generosity. She was very pleased with the outcome of the K-9 Officer finding the child in Ward 4 and the generous donation from the Automile for the K-9 Officer.

Councilman Genutis thanked the HVYC students for attending this evening and for participating in the program.

Councilman Pozar urged everyone to participate in their right to vote specifically the election of the new Judge for the Bedford Municipal Court who he hoped would protect the City's values and a strong presence on the bench. He reminded Council that Mr. Saunders still needed to bring to the table his

suggestions to the parking on City streets during the winter months. He offered to co-sponsor the proposed ordinance. He read a letter from a resident: "Beggars' Night has deteriorated significantly over the past several years. Many or most of the homeowners seem to have decided it isn't worth partaking in the Halloween celebration. There are 18 houses on my street, and I counted only 7 or 8 (including mine) that were "welcoming" the beggars. I noted that the long-time residents on the street were dark. This is very unusual. Here is how it went this year. Between 6 PM and 7 PM there were little kids in costume coming to the door. My wife and daughter enjoyed passing out candy and interacting with the children. As it got dark, suddenly they were inundated with a large group of teenagers, not in costume, not carrying any bags for candy (stuffed it in their pockets). The wife called to me when the first group of teens appeared. When the second group came I went to the door to investigate. By my count, there were 20. My wife and daughter were upset and frightened by the onslaught. That depleted our candy supply. At 7:20 PM, we closed the door and turned off all the outdoor lights. I noticed that other houses were doing the same. Also, there were many cars bringing beggars to the street. It got very congested with cars parked on both sides of the street and others stopped in the middle. It was also dangerous for the children crossing the street since there were so few houses welcoming them. In the past, we could count on the police cruising the neighborhoods to maintain order. The teenagers also present a discomfoting element. They probably congregate because they can use their cell phones to identify a location to meet. In this day and age, large groups of teenagers are "scary." I believe that Beggars' Night is for little children and not for "marauding teens." Older folks are especially suspicious of large groups of young people. I know that the city does not have the funds to plan an alternative such as Hudson has done. They no longer have Beggars' Night but put on a get-together in the square where children do not have to cross any streets. We have decided that we will no longer partake in Beggars' Night. Signed by a Bedford resident. Mr. Pozar welcomed input from the residents this evening during Citizens Comments.

Councilman Saunders felt the City had excellent safety services. He thought the Cleveland Ballet was moving in the right direction. He was pleased the convent was going to remain on the Sisters of Charity property that was currently being addressed for rezoning. He urged everyone to participate in the Veterans Day ceremony November 11th at 11:00 a.m. and thanked those who previously served and those who currently serve. His son was currently serving in the Navy. He also was working on the street parking issues the City had experienced for a long time. He urged the residents to be neighborly in assisting with raking their neighbor's leaves and to keep the debris out of the storm sewers.

Councilwoman Zolata said Ward 3 has had problems for years with the beggars on Halloween; however, this year was pretty good. The Officers made their presence known and she applauded the parents that walked their little ones around. She agreed an age cut-off limit needed to be determined, the older group of children needed to be addressed and the Halloween Party at Ellenwood was successful. She was pleased with the Cleveland Ballet locating to downtown Bedford. She supported Ordinance No. 9314-15.

Mayor Koci announced the next FriDates concert was November 13th at 7:30 p.m. at the Bedford Nazarene Church.

ORDINANCE NO. 9329-15 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH RONALD BREWER AND AMY GILKERSON SELLING THE RESIDENCE AT 831 LINCOLN AVENUE, BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Zolata seconded by Genutis to place Ordinance No. **9329-15** on third and final reading and passed.

Mr. Mallis explained this was a City owned home renovated through a grant; there was one more home to be sold. The City had sold nine (9) homes over the last 14 months.

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

ORDINANCE NO. 9330-15 AN ORDINANCE PERMITTING A ONE YEAR MORATORIUM ON THE THREE PERCENT (3%) INCREASE IN RESIDENT WATER RATES MANDATED BY SECTION 911.01 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD FOR THE CALENDAR YEAR 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Pozar seconded by Saunders to place Ordinance No. **9330-15** on third and final reading and passed.

Mr. Gambosi explained this was a one year moratorium on the 3% increase for water rates only.

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

ORDINANCE NO. 9331-15 AN ORDINANCE ALLOWING EMPLOYEE PARTICIPANTS TO MAKE INSURANCE PLAN PREMIUM CONTRIBUTIONS ON A PRETAX BASIS FOR THE CALENDAR YEAR 2016 THROUGH WAGE WORKS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Zolata seconded by Genutis to place Ordinance No. **9331-15** on third and final reading and passed.

Mr. Gambosi explained the City had a program to defer taxes on the employee's health insurance premiums. This would be an annual option for the employees.

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

ORDINANCE NO. 9332-15 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO WAIVE ESTIMATED PENALTY PAYMENTS AND INTEREST ON MUNICIPAL INCOME TAX THAT IS LEVIED PURSUANT TO CHAPTER 178 OF THE BEDFORD CODIFIED ORDINANCES AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Genutis seconded by Zolata to place Ordinance No. **9332-15** on first reading.

Mr. Gambosi explained this allowed the Finance Director to waive the requirement of posting the information individually to avoid a non-efficient system.

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

ORDINANCE NO. 9333-15 AN ORDINANCE ESTABLISHING A LOCAL BOARD OF TAX REVIEW AS MANDATED BY SECTION 178.18 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizensak seconded by Pozar to place Ordinance No. **9333-15** on first reading.

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

Motion to accept the Planning Commission recommendation of October 20, 2015 for Alex Hillis, 1067 Gateway Drive, Farmington, NY/Hope United Methodist Church 79 Center Road, Bedford who is seeking to construct an 8' x 12' Collection and Drop-off Box

The Planning Commission failed this request because they did not have the authority to override the Codified Ordinances. The church was zoned as "R-1" and §1341.24 spoke to commercial properties.

Motion made by Pozar seconded by Saunders to accept the Planning Commission recommendation of October 20, 2015 for Alex Hillis. The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizensak, Genutis, Saunders. Nays: None. Motion carried unanimously. Council agreed with the Planning Commission who denied the request for the collection box.

Motion to accept the Planning Commission recommendation of October 20, 2015 for Ohio Awning & Mfg. Co., 5777 Grant Street, Cleveland, Ohio/Bedford University Hospital 44 Blaine Avenue, Bedford, Ohio who was seeking to construct a 12' x 30' canopy at the front entrance of the hospital

Motion made by Mizensak seconded by Saunders to accept the Planning Commission recommendation of October 20, 2015 for Ohio Awning & Mfg. Company. The roll was called. Vote – Yeas: Koci, Mizensak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Jake Friedl, 445 Lamson Avenue, Bedford who was seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for a variance to construct a 1,883 square foot home, not including the two car attached garage.

Mr. Pozar requested this item be tabled until the City Engineer determined the use and made a recommendation. Mayor Koci explained the Board of Zoning approved it with the condition of the City Engineer's recommendation. Mayor Koci requested the roll call be called. The roll was called. Vote – Yeas: Koci, Mizensak, Genutis, Saunders, Zolata. Nays: Pozar. Motion carried unanimously. There was no first or second on the motion therefore it was incomplete.

Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Bentbrook Development, LLC who was seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for front yard setback variances for eight separate parcels to build single family dwellings in Phase 1

Motion made by Saunders seconded by Pozar to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Bentbrook Development, LLC who was seeking relief for front yard setback variances for eight separate parcels. The roll was called. Vote – Yeas: Koci, Mizensak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Bentbrook Development, LLC who was seeking relief from Section 1927.05 of the Codified Ordinances of the City of Bedford for rear yard setback variances for sublots 14 and 15 depending on the dimensions of the dwelling being built.

Mr. Montello explained the Board of Zoning failed this request because the three style homes selected for the development was not going to fit nicely on these two lots. The Applicant/property owner would have to get creative with a different style home to avoid variances for these two small lots. The BZA and Mr. Neff agreed these lots needed to be addressed again individually.

Motion made by Mizensak seconded by Saunders to accept the Board of Zoning Appeals recommendation of October 27, 2015 for Bentbrook Development, LLC who was seeking relief for rear yard setback variances for sublots 14 and 15 depending on the dimensions of the dwelling being built. The roll was called. Vote – Yeas: Koci, Mizensak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Council agreed with the Board of Zoning who denied the request for a rear yard setback variance request for sublots 14 and 15.

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

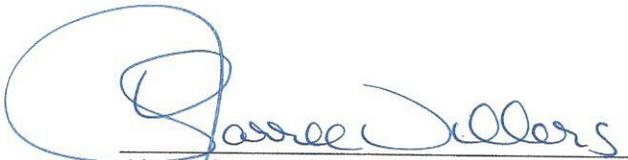
George Green, 58 Pinecrest, asked if the deal fell through regarding the rezoning of Ordinance No. 9314-15 if it would stay “R-4” or revert back to “R-1”. Mayor Koci stated the stipulation was if the deal fell through it would revert back to “R-1”. Mr. Green noticed the ordinance referenced two (2) lots and there were three. Mayor Koci said the third lot was the LOHV. Mr. Green disagreed the third lot was the parking lot. Mayor Koci clarified the parking lot was not part of the rezoning request and would remain an “R-1”. Mr. Green questioned what kind of houses could be built in the future. Mayor Koci explained the project would be apartments for senior living 55 years of age and older. Mr. Green was concerned whether in the future if the parking lot could be developed. Mayor Koci explained if that were to happen the applicant would have to go through the whole process.

Kathy Williams, 491 Lamson, referred to the Bedford Advantage flyer that spoke about dumpsters for those moving out of their homes. She suggested this information be published/posted elsewhere. The biggest violators were the renters who do not receive the water bill; the bills were mailed to the homeowner/landlord. Mr. Mallis explained this was another avenue informing those who live or own/rent homes in Bedford. She felt the homeowner/landlords should be mailed this information. Mr. Mallis assured her the City was doing its best in educating the landlords. Mrs. Williams questioned why REACH was allowed to keep applying to Boards since they were turned down once. Mr. Mallis explained the City and REACH had a difference of opinion on the number of people allowed in the home whether it was considered a residential or commercial property. Mrs. Williams questioned if the people had to be related.

Mr. Mallis explained based on REACH's opinion it did not matter if the people were related or not; this was a change in the law.

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

Meeting adjourned at 9:14 P.M.



Gessie J. Ollers
Clerk of Council



Mayor – President of Council