

**COUNCIL WORK SESSION  
TUESDAY, JANUARY 20, 2015**

**6:30 P.M. PROMPT**

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- **DISCUSSION OF AGENDA**
- **EXECUTIVE SESSION** – (Personnel/Litigation/Economic Development)

Bedford City Council met in a Work Session at Bedford City Hall on Tuesday, January 20, 2015 at 6:34 p.m.

Present: Council Members: Marilyn Zolata, Sandy Spinks, Walter Genutis, Paula Mizensak, Don Saunders, Greg Pozar. Absent: Mayor Stan Koci. Administration: City Manager Michael Mallis, Assistant Law Director John Montello, Building Commissioner Calvin Beverly, Finance Director Frank Gambosi, Clerk of Council Lorree Villers.

Vice-Mayor Zolata began discussion of the Regular Council Meeting agenda.

Council had no changes to the minutes of the Work Session of January 5, 2015 and the Regular Meeting of January 5, 2015. Mr. Pozar had a one word deletion; the Clerk immediately addressed it.

Ordinance No. 9235-14 declared property and structures located at 787 Archer Road a nuisance read as first reading on December 15, 2014 and second reading on January 5, 2015. Mr. Beverly had previously inspected the home in December 2014. He took pictures inside and outside of the home which showed various issues. Mr. Deal's home was still without utilities, the sewer line was still clogged and the furnace had not been fixed. He continued to make fires in the basement area fireplace for means of heat; there were concerns of Mr. Deal setting his house on fire. Mr. Deal recently was back in Court for various issues. The home was still uninhabitable as it currently stood. The home definitely was unsanitary, a safety concern and a health hazard. Mr. Mallis read a letter from Mr. Deal's daughter Melissa Deal:

*"My name is Melissa Deal, my father owns the property of the above listed address in Bedford. The purpose of my email is to inquire about it being condemned. The house itself has many foundational errors and, in my opinion is not livable. The situation becomes a little more complicated because my father, the only person that lives there, has a mental disability and does not have the capabilities to bring the house to standards. I believe the city inspector has been out and taken pictures, but I'm not sure if any decisions have been made. Not only does the house itself have many structural issues, the utilities have not been on in months and I'm starting to fear for my father's safety. His disability makes him very hard to communicate with and if I can assist with any of this on his behalf please let me know. The other trouble that I have, is where would my father live if the house is condemned? Are there any programs or living assistance that can be provided? If you could, please direct me to whom this may concern. Your time and consideration is much appreciated, Melissa Deal"*

This was the first time the City or the Courts had to deal with a home that was considered a nuisance when it was occupied by a resident; the other homes were vacant homes. Mr. Mallis explained Ms. Deal didn't realize the process was as far as it was which concerned her because of her father's mental disabilities and he didn't have the capabilities to bring the home up to code. Mr. Genutis said he spoke to several of Mr. Deal's neighbors and the consensus was Mr. Deal was not a very good neighbor. There was discussion that even though Mrs. Deal had moved; she was still legally married to him and part owner of the home so she too needed to be considered. Another question was whether there was still a mortgage or if the home was paid-off.

Mr. Deal recently requested a Board of Building Standards & Appeals meeting seeking to appeal the finding of a voluntary inspection performed on his property to determine if the dwelling was safe or sanitary for continued human occupancy. See attached letter of January 5, 2015 from Mr. Beverly stating the property has several major health, safety and sanitary conditions as the property being a hazard to Mr. Deal, the entire family and the community. Mr. Deal would be before the Courts again on February 10, 2015 for some criminal charges.

The next three (3) Ordinances amended the International Property Maintenance Code, the Residential Code for One, Two and Three-Family Dwellings and the National Electrical Codes as follows:

Ordinance No. 9238-15 amended Codified Chapter 1311.01 (b) (2) - "TITLE; COMPOSITION". Mr. Beverly explained the update was for the current Chapters one through eight of the code entitled "The International Property Maintenance Code", 2012 Edition.

Ordinance No. 9239-15 amended Codified Chapter 1311.34 - "CODE ADOPTED; COPIES". Mr. Beverly explained the update was for the current known as the City of Bedford Dwelling House Code which was comprised of the "Residential Code of Ohio for One, Two and Three-Family Dwellings, 2013 Edition, the International Property Maintenance Code, 2012 Edition, the National Electrical Code, 2011 Edition and the Ohio Plumbing Code, 2011 Edition.

Ordinance No. 9240-15 amended Codified Chapter 1313.01 (b) - "ADOPTION OF CODE: TITLE". Mr. Beverly explained the update was for the current 2011 Ohio Building Code and related Codes and listed in Chapter 35 of said code, including the 2014 National Electrical Code.

Ordinance No. 9241-15 amended Ordinance No. 9077-13 Pay Ordinance for the Corrections Officer. Mr. Mallis and Mr. Gambosi explained the Corrections Officer needed to be added under the full time section of the Pay Ordinance, however, the part time Jailer continued to be listed under the part time section as requested by Chief Nietert.

The motion to accept the January 6, 2015 recommendation of the Planning Commission for Audi of Bedford at 19700 Rockside Road who was seeking to install a 6' high chain link fence with privacy slats - 1938.06 Yard Limitations. Mr. Beverly and Mr. Mallis explained the Commission did not have a problem with the fencing; the chain link fence would be visible across the back and down each side. The board on board fence in the back would remain as a buffer and the new fence would cover the parking lot side. The fence would be eliminated on the Bubba property line.

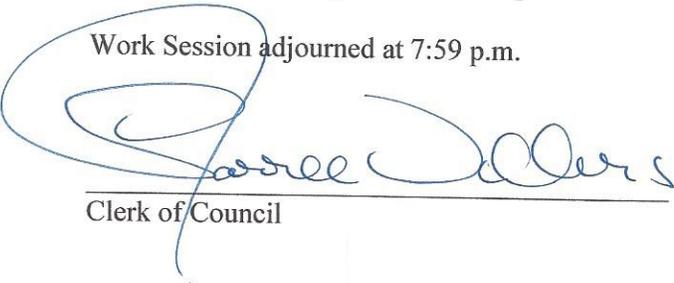
The motion to accept the January 6, 2015 recommendation of the Planning Commission for Drive Time 19950 Rockside Rd, Maple Heights, OH who was seeking use of parcel #811-07-021 for parking and display of used motor vehicles - 1938.03, Board Approved Uses. Mr. Beverly and Mr. Mallis explained the Commission did not have a problem with the parking and display of used motor vehicles. Mr. Saunders questioned if there would be an egress/ingress line of vision issues because of where the cars were being displayed. Mr. Beverly noted a representative would be present this evening for questions. He said the land couldn't be used for anything else because it wasn't big enough but it worked well with the abutting Maple Heights project.

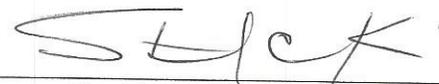
Discussion of the Regular Meeting agenda was concluded.

At 7:26 p.m., Bedford City Council, City Manager Mike Mallis, Finance Director Frank Gambosi and Assistant Law Director Montello went into an executive session to discuss Personnel, Litigation and Economic Development. Mr. Montello was excused and invited back to continue further discussion.

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 January 5, 2015
  - b. Approval of Minutes of the Regular Meeting of January 5, 2015
5. PRESENTATIONS – (None)
6. OLD BUSINESS (1<sup>st</sup> Rdg 12/15/14 - 2<sup>nd</sup> Rdg 1/5/15)
  - a. Ordinance No. 9235-14 declaring property and structures at 787 Archer Road a nuisance
7. REPORTS
  - a. City Manager
  - b. Law Director
  - c. Finance Director
  - d. Council Reports
8. NEW BUSINESS
  - a. Ordinance No. 9238-15 amend Codified Chapter 1311.01 (b) (2) - "TITLE; COMPOSITION"
  - b. Ordinance No. 9239-15 amend Codified Chapter 1311.34 - "CODE ADOPTED; COPIES"
  - c. Ordinance No. 9240-15 amend Codified Chapter 1313.01 (b) - "ADOPTION OF CODE: TITLE"
  - d. Ordinance No. 9241-15 amend Ordinance No. 9077-13 Pay Ordinance - Corrections Officer
  - e. Motion to accept the January 6, 2015 recommendation of the Planning Commission for Audi of Bedford at 19700 Rockside Road who is seeking to install a 6' high chain link fence with privacy slats – 1938.06 Yard Limitations (roll call)
  - f. Motion to accept the January 6, 2015 recommendation of the Planning Commission for Drive Time 19950 Rockside Rd, Maple Heights, OH who is seeking use of parcel #811-07-021 for parking and display of used motor vehicles – 1938.03 Board Approved Uses (roll call)
9. HEARING OF CITIZENS
10. ADJOURNMENT

Bedford City Council met in Regular Session at Bedford City Hall on Tuesday, January 20, 2015. Vice-Mayor Zolata called the meeting to order at 8:03 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Genutis, Pozar, Saunders, Zolata, Spinks, Mizsak. Absent: Koci.

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

Motion made by Pozar and seconded by Mizsak to approve the minutes of the Work Session of January 5, 2015. The roll was called. Vote – Yeas: Genutis, Pozar, Saunders, Zolata, Spinks, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Genutis and seconded by Spinks to approve the minutes of the Regular Meeting of January 5, 2015. The roll was called. Vote – Yeas: Genutis, Pozar, Saunders, Zolata, Spinks, Mizsak. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9235-14 AN ORDINANCE DECLARING THE PROPERTY AND STRUCTURES LOCATED AT 787 ARCHER ROAD (P.P. NO. 813-30-045) A NUISANCE, ORDERING ACTION PLACED ON FIRST READING ON DECEMBER 15, 2014 AND SECOND READING JANUARY 5, 2015 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY.

Motion made by Spinks seconded by Genutis to place Ordinance No. **9235-14** on third and final reading and passed.

Mr. Mallis explained the City had been working with this property owner for over a year. The property had several violations, lacked utilities which was a safety concern for the family and the surrounding residents.

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

City Manager Michael Mallis invited everyone to the State of the City Address on January 28, 2015 at 11:30 a.m. at Catered Elegance; thanks to the Chamber of Commerce. He informed Mr. Saunders Broadway had crack sealing in 2014 but it would be inspected. He was in contact with Cuyahoga County regarding the Turney Road project. He urged everyone to shovel the sidewalks during the winter season and the Administration reminded the business owner's snow plow operators not to cover the sidewalks. He congratulated one of Bedford's own Tyvis Powell currently at Ohio State University. Mr. Powell was a three sport athlete and never missed a day of classes while in high school. He is the son of Robin Powell-Richardson.

No report from Assistant Law Director John Montello and Councilman Genutis.

Mr. Gambosi said HB5 passed and he was working on the details. Ordinance No. 9241-15 added the Corrections Officer as a full time employee.

Councilman Saunders reminded everyone to remove the snow from around the fire hydrants; minutes make a difference during a house fire. He thanked UH for shoveling their sidewalks; they have the largest sidewalk area to clean.

Councilman Pozar also commended Mr. Frank Lombardi the owner of the Barber Shop located at 696 Broadway Avenue for his efforts in plowing the snow on his side of Broadway Avenue. Mr. Lombardi

had been doing this for a long time. He referred to his Council Report of January 5, 2015 regarding the distasteful publication placed at City Hall. He eluded that NLC had a practice that might encourage some of this type of openness. He did not mean to disparage the NLC because they do wonderful work when it comes to providing Cities resources that can't be facilitated locally. The NLC provided materials and classes for their members. He stated the City of Bedford spent \$16,000 obtaining information and ideas. He commended Mrs. Spinks and Mr. Saunders for attending these seminars but since their return there had been no reports of what was obtained or how the City benefited from these trips of information or value. He encouraged them both to provide their learnings/value at a subsequent meeting because there used to be fine ideas. If in fact the Council members are not bringing back ideas, then he reverted back to his comments of January 5, 2015 where he suggested the City not spend the \$16,000+. He suggested subscribing for the materials by either online or electronic form to save considerable monies. He welcomed input from Mr. Saunders and Mrs. Spinks and personal opinion as to what was accomplished and what benefit/information was acquired from these trips.

Councilwoman Mizesak reflected on the previous State of the City Address events, time, weather and locations. She urged everyone to attend whether they ate lunch or not; it was a nice information event. She urged the residents to be more responsible in preparation of their rubbish to assist in keeping the neighborhoods clean.

Councilwoman Spinks explained the NLC seminar was overwhelming for her. She benefitted from the round table discussions the most. She went to all the seminars that affected Bedford as a whole not just Ward 1. She focused on the children and seniors because they were what made our City and that's who makes Bedford vital and important. She benefitted from networking with other officials. She referred to the Plain Dealer deer culling article; the deer were eating themselves out of house and home in the Metroparks. Deer culling will be handled by organized gunmen in several locations.

Vice-Mayor/Councilwoman Zolata read a statement from the Plain Dealer regarding Martin Luther King. She wondered how Reverend King would feel about some of the things that were happening in the world today. She urged commercial snow plow companies not to pile the snow on the sidewalks. These companies should be registered with the City. She also urged everyone to pick up their rubbish. She explained the Administration was in the process of sending out grass notices prior to the season. She stated the Police and Fire Departments were appreciated; everyone understood what a hard job it can be at times with all the criticism and speculation. She talked about the old BP Gas Station located at 1483 Broadway Avenue would be demolished soon and rebuilt. Bedford was selected for road repair assistance from Cuyahoga County; any assistance would be helpful. She said two (2) parcels located at the Old Taylor Chair property were now City owned.

Mr. Mallis explained the next three (3) Ordinances amended the International Property Maintenance Code, the Residential Code for One, Two and Three-Family Dwellings and the National Electrical Codes.

ORDINANCE NO. 9238-15 AN ORDINANCE AMENDING CHAPTER 1311.01 (b) (2) OF THE BEDFORD CODIFIED ORDINANCES ENTITLED "TITLE; COMPOSITION" AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Pozar to place Ordinance No. **9238-15** on third and final reading and passed.

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

ORDINANCE NO. 9239-15, AN ORDINANCE AMENDING CHAPTER 1311.34 OF THE BEDFORD CODIFIED ORDINANCES ENTITLED “CODE ADOPTED; COPIES” AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Genutis to place Ordinance No. **9239-15** on third and final reading and passed.

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

ORDINANCE NO. 9240-15, AN ORDINANCE AMENDING CHAPTER 1313.01 (b) OF THE BEDFORD CODIFIED ORDINANCES ENTITLED “ADOPTION OF CODE: TITLE” AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Mizesak to place Ordinance No. **9240-15** on third and final reading and passed.

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

ORDINANCE NO. 9241-15, AN ORDINANCE AMENDING ORDINANCE NO. 9077-13 PASSED MAY 20, 2013 AS SUBSEQUENTLY AMENDED AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Pozar seconded by Mizesak to place Ordinance No. **9241-15** on third and final reading and passed.

Mr. Mallis explained the amendment was to add the Corrections Officer as a full time employee.

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

Motion made by Spinks seconded by Genutis to accept the January 6, 2015 recommendation of the Planning Commission for Audi of Bedford at 19700 Rockside Road who is seeking to install a 6' high chain link fence with privacy slats – 1938.06 Yard Limitations.

Mr. Montello explained this location would be storage for new cars and the fence would provide safety. The roll was called. Vote – Yeas: Genutis, Pozar, Saunders, Zolata, Spinks, Mizensak. Nays: None. Motion carried unanimously.

Mr. Mallis asked Mr. Joseph Morbitzer, representing Drive Time to approach the podium to answer some questions from Council. Mr. Morbitzer described the lay of the land that was located in the Cities of Bedford and Maple Heights. The property located in Bedford would be used to display approximately 30 cars but the idea was to design the three parcels to work together. Drive Time originally requested a right in right out ingress/egress, however, Drive Time would like to have a full access drive if possible. Mr. Saunders explained there was a lot of traffic on this specific road and he had concerns with the left turn out of the lot. Mr. Pozar asked if the applicant would accept a condition as stated by Mr. Saunders. Mr. Morbitzer said Drive Time would like to have a full access drive but a right only would be acceptable. The reason was to accommodate the East bound customers so they could turn left into the facility. The preference was full turn left/right out and ingress. There was a driveway off of Center Road but Mr. Mallis thought the current drive was going to be closed and traffic could enter from the street at the rear of the property. Mr. Pozar noted there was an East bound turn lane for the signal light but exiting the lot and trying to make a left could be dangerous. Mr. Mallis clarified he had spoken to the City Engineer and the Safety Forces and there were no problems with a full access drive per the Code requirements. Mr. Morbitzer requested a right out only allowing east bound traffic to turn left into the lot. It would be a full turn in and a right out only. Mr. Saunders agreed.

Motion made by Saunders seconded by Pozar to amend the January 6, 2015 recommendation of the Planning Commission for Drive Time 19950 Rockside Rd, Maple Heights, OH who is seeking use of parcel #811-07-021 for parking and display of used motor vehicles to use the Rockside Road drive as a left turn in/right turn out only due to safety concerns.

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

Motion made by Spinks seconded by Genutis to accept the January 6, 2015 recommendation of the Planning Commission for Drive Time 19950 Rockside Rd, Maple Heights, OH who is seeking use of parcel #811-07-021 for parking and display of used motor vehicles as previously amended.

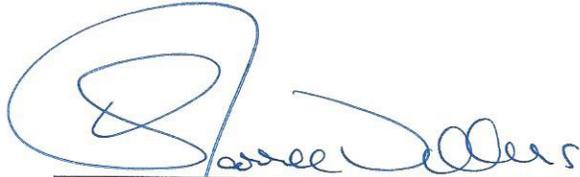
The roll was called. Vote – Yeas: Genutis, Pozar, Saunders, Zolata, Spinks, Mizensak. Nays: None. Motion carried unanimously.

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

Patricia Karabowicz [Trish Kara], 432 Union Street, asked if the State of City Address could be videotaped and posted on the City's website. Mr. Mallis would check to see if it can be done.

Vice-Mayor Zolata 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: Genutis, Pozar, Saunders, Zolata, Spinks, Mizesak. Nays: None. Motion carried unanimously.

Meeting adjourned at 8:52 P.M.



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Clerk of Council



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Mayor – President of Council