

**COUNCIL WORK SESSION  
MONDAY, JANUARY 7, 2013**

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

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- **DISCUSSION OF AGENDA**
  
- **DISCUSSION OF 2013 FIREWORKS – (6:45 pm)**
  
- **DISCUSSION OF BOARDS & COMMISSIONS RE-APPOINTMENT**  
– Board of Zoning – Sharyna Cloud term expires 2/15/13
  
- **EXECUTIVE SESSION – personnel**

Bedford City Council met in a Work Session at Bedford City Hall on Monday, January 7, 2013 at 6:24 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Donald Saunders, Paula Mizensak. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Henry J. Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman, Deputy Police Chief Kris Nietert, Fire Chief Dave Nagy, Assistant Fire Chief Shawn Solar, Economic Development Director Mike Mallis, Recreation Director Randy Lewis. Absent: Greg Pozar.

Mayor Pocek started the agenda topics for discussion.

Council had no issues with the December 17, 2012 Work Session minutes, the December 17, 2012 Regular Council minutes or the Master Plan Committee minutes of December 19, 2012.

Ordinance No. 9019-12 was an ordinance establishing Chapter 555 of the Codified Ordinance of the City of Bedford entitled "Massage Establishments". Mr. Schuman pointed out the amendment that was being suggested this evening was from Detective Dennis Bergansky. It was on Page 9, Section 555.23 entitled "Patrons under 18". The change was bolded for Council review as follows: "No person shall permit any person under the age of eighteen (18) years, **unless accompanied by a parent or legal guardian**, to come or remain on the premises of any massage establishment as a patron." Council had no issues with the suggestion and they would take action this evening to remove it from being tabled on December 17, 2012. Mrs. Zolata was pleased this was going to be on the books as she pointed out the situation that had occurred in Northfield a few years ago. Council agreed this would regulate and limit these types of establishments and hopefully eliminate future problems. Deputy Chief Nietert agreed with Council's decision.

Ordinance No. 9033-13 was an ordinance authorizing the City of Bedford to certify to the County Fiscal Officer the costs associated with police response to 601 Northfield Road as said homeowner is in violation of Bedford's Criminal Nuisance ordinance. This household was a repeat offender and this residence was an ongoing problem. The police officers would continue to monitor the situation.

Mrs. Zolata had previously recommended the appointment of Ken Wilson for the Board of Building Standards and Appeals. Council had no issues with the recommendation. Mr. Wilson would be present this evening at the Regular Council Meeting.

Council and Mr. Angelo invited some of the Administration to discuss the pros and cons of the 2013 Bedford fireworks. Deputy Police Chief Kris Nietert, Fire Chief Dave Nagy, Assistant Fire Chief Shawn Solar, Economic Development Director Mike Mallis and Recreation Director Randy Lewis were in attendance.

Mr. Angelo passed out some information he had compiled for the discussion this evening which addressed the following topics: Finances, Safety, Options, Other Considerations and Recommendation as well as a document titled "Survey - Fireworks" as follows:

1. "FINANCES

*Having fireworks is not an issue of whether the City can afford the fireworks event. Council has already appropriated funds. There is currently money in the 2013 budget for having the fireworks for this year. The rate would be approximately \$17,000.00 for a show of the approximate length of last year's. The City could contract for this year and next year for the same event price. The City could even go a third year for the same price. Doing fireworks, based on just one year, leaves the City open to an increase in costs for the subsequent years.*

2. SAFETY

*This is the major concern Police Chief, the Fire Chief and the City Manager.*

*In 2012, Bedford had 7 officers, 12 auxiliary, 8 Sheriff's Deputies (with 2 dogs), 6 firefighters (including the Chief and the Assistant Chief) working that night. In addition, there were officers from Oakwood Village assisting with the problems at Wal-Mart.*

*In contrast, Shaker Heights had 70 officers working and had to call for assistance for another 30 officers.*

*To adequately provide the level of protection necessary, it is estimated that the City would need to provide the following:*

40 Officers	\$12,230.90
12 Auxiliary	1,014.62
8 Deputies OT Rate	1,980.93
Jailer OT	155.43
Dispatcher OT	271.99
<b><u>Sub-total</u></b>	<b><u>15,653.87</u></b>
Fire Costs	1,169.43
<i>(Does not include Comp time for the Chief and Assistant)</i>	
Recreation Costs	907.50
Rentals, Prizes, etc.	4,333.31
Fireworks	17,000.00
<b><u>Total Costs</u></b>	<b><u>39,064.08</u></b>

*Of that amount, only \$21,120.00 is appropriated. Therefore, at some point, Council would need to appropriate an additional \$17,994.08. It is important to note that while the City had 7 officers assigned to the fireworks event, an additional 5 officers were working their regular shift. One was already assigned traffic control. When the trouble started, the other 4 officers were required to assist with the problems generated from the fireworks event, basically removing the officers from their normal patrol duties. In essence, the rest of the city was unprotected.*

3. OPTIONS

- a. *Have the event adding \$17,994.08 to the budget.*
- b. *Modify the event, eliminating vendors and activities. Vendors are provided by St. Peter Chanel High School. Since Chanel is closing, this would be the last year for vendors and possibly the last year at that site. Mayor Pocek and I confirmed with the Superintendent of the Diocese that we could still have the event there this year.*
- c. *Change the site of the event. Our internal discussions basically ruled this out since any other location would still have traffic problems and the problems of people congregating after the event. Also, a changed location could possibly cause some other unforeseen problems due to the unfamiliarity with the new location and ingress and egress strategies. In addition, there are fire code considerations i.e. distance requirements.*
- d. *Provide tickets/security entrance passes. This would involve fencing, points of entry etc. but would not eliminate the problem of people still showing up and staying until after the event, and that is when most of the trouble occurred.*
- e. *Eliminate the event entirely and transfer the money elsewhere in the budget.*
- f. *Eliminate the event and create other worthwhile activities that draw Bedford residents to the event and possibly outside people.*

1. *Possible alternatives events—"tribute bands," other festival events, runs, etc. all with the idea to attract people to Bedford's downtown.*

4. OTHER CONSIDERATIONS

- a. *Marketing Bedford—To have a single major accident, or an attendee of the event, Bedford resident or not, hurt would make major headlines. Considering that we have a marketing contract worth \$57,000.00, such an incident would nullify any good we have been doing to enhance our image.*
- b. *The value of traditions—The City of Bedford is indeed blessed to have so many events taking place. The City, through both its employees and finances, is a major contributor in making these events happen. To continue to support some of the existing events (without mentioning names) serves no useful purpose. One of the downtown square events, while named after a certain ethnic group, has lost all semblance as to why it was created and the celebration of their proud heritage.*

*While such an event has a strong tradition, it is no longer viable. When the vitality of the event has waned, or those participating in the event, are not there for the stated purpose of the event, the tradition loses its value. Do we maintain the traditions when those who were a part of such traditions are no longer participating? Every year it seems it is harder to find the necessary volunteers to stage such events. Without the City's intervention, would some of the events even continue?*

*The City needs to work with and strengthen those events that provide their own volunteers and consider changes to those which have lost their focus. Would not the City be better off strengthening some of these events, creating new ones and thus, attracting more people to see what Bedford has to offer?*

- c. *What other cities are doing—please see attachment.*

RECOMMENDATION

*It is the recommendation of the Fire Chief, his assistant, Shawn Solar, the Police Chief, his Deputy Chief, Kris Nietert, and the City Manager, that due to our concern for the safety of our residents, based on numerous discussions and the events from 2012, that the City of Bedford not have a fireworks event."*

Mr. Angelo then passed out the Survey – Fireworks information. He mentioned that he did not contact all the surrounding communities but everyone could get a good idea of who was or was not having fireworks in 2013. The survey listed the name of the municipality, if they were having their own fireworks or not, who was the source of payment and any additional comments.

*Survey – Fireworks*

<u>Municipality</u>	<u>Yes</u>	<u>Payer Source</u>	<u>No</u>	<u>Comments</u>
Bay Village	X	Anonymous resident donation		Without donation, most likely would cancel
Beachwood			X	Never had fireworks
Bedford Heights			X	Used to have at Home Days before budget issue
Brooklyn			X	Financial reason
Cuyahoga Heights			X	Village pays for fireworks at Corn Fest (October)
Fairview Park			X	Organization sponsors fireworks at Home Days
Garfield Heights			X	Stopped in 2008 - placed in fiscal emergency
Lyndhurst			X	Never had fireworks
Macedonia			X	Had fireworks in 2012 - not budgeted for 2013
Maple Heights			X	Financial reason
Mayfield Heights			X	City pays for fireworks at Home Days
Moreland Hills			X	Never had fireworks
North Royalton			X	Never had fireworks
Northfield			X	Never had fireworks
Oakwood			X	Never had fireworks
Orange			X	Obtain a sponsor to pay for fireworks at Home Days
Parma Heights			X	Never had fireworks
Solon	X	City		
South Euclid			X	Used to have at Home Days before budget issue
University Heights			X	Never had fireworks
Warrensville Heights	Maybe	Unknown	X	Never had fireworks in past - considering this year

Mr. Angelo noted the funds for 2013 fireworks event were already in the budget and it wasn't about the money, however, there was a three (3) year contract that needed to be addressed in March 2013. With that being a factor/issue, where would the City of Bedford hold the next two (2) firework displays after St. Peter Chanel closed at the end of this school year. Another thought was there was going to be a need for additional police officer coverage. The figure on the submitted paperwork from Mr. Angelo was a beginning estimate of the costs involved. He figured since the surrounding communities either never held fireworks or had recently cancelled, the Bedford event would be very overwhelmed with a lot of additional visitors.

At this time, Mr. Mallis passed out a memo which established a possibility of alternative programs to the area residents in lieu of the fireworks display as follows:

*"In an effort to establish new or alternative programs to area residents in lieu of the fireworks display, we have researched the idea of putting on a summer concert series. These concerts would comprise of what is called "tribute bands" which can be seen throughout various communities such as Cuyahoga Falls, Stow and Chagrin Falls. These concerts could be conducted on Saturday afternoons at the Commons and would take place throughout the summer months. It should be noted that these would not compare or compete with the existing events. We would also be open to the idea of allowing local community organizations (Community Council, Rotary, Lions Club) operate a refreshment stand. These groups would be responsible with all facets of the operation and would be able to generate additional funds for their organization. Below you will find a breakdown of potential bands and the costs associated with putting these types of events on the square.*

#### Potential Bands

- *Hard Day's Night (Beatles)*
- *Gypsies in the Palace (Jimmy Buffet)*
- *The Waiting (Tom Petty)*
- *Wish You Were Here (Pink Floyd)*
- *The Good Fellows ( Frank Sinatra, Dean Martin and Lui Prima)*
- *\$1,500.00 (avg. cost per event) x 5 events = \$7,500.00*

#### Security

- *2 auxiliary police officer would be provided per event*
- *\$12.00 per hour x 5 hours = \$60.00 x 2 officers = \$120.00*
  - *\$120.00 x 5 events = \$600.00*

#### Rental Equipment

- *These costs are associated with the potential need of renting tents, chairs and stage*
- *Estimated costs = \$2,500.00*

#### Marketing

- *Advertise using various media outlets = \$1,000.00*

#### Maintenance

- *Clean-up will be conducted in house using city workers during normal working hours*
- *Estimated costs = \$400.00 -- Total estimated cost for 5 summer concerts = \$12,000.00.*

A few of these bands had been seen by Mr. Schuman and some of Council who all enjoyed them and thought they were very good performers. This could be a good substitution and a great way to market Bedford and to generate additional funds for the listed organizations: Rotary, Lions Club and Community Council. There was not one negative remark for this idea. This could be a great idea to draw people to Bedford in hopes they would also eat or shop in the local businesses. Most of the people that came for the fireworks display only come to see the fireworks and leave directly after the event. The cost for five (5) tribute bands was actually less than the one (1) time display of fireworks. Residents and visitors could benefit from five (5) different weekends enjoying the concerts and experiencing what Bedford had to offer. The thought was for these visitors to spread the word to others so these events could grow larger in the years to come.

Mr. Schuman disagreed with the thought of not having the fireworks. He felt the fireworks were one of Bedford's traditions that had been around before he was born. One of his points was that nobody got hurt last year during the event and with the display of fireworks meant crowds, which was the nature of the beast. He had confidence that the well trained Police and Fire Departments could figure out a way to manage crowd control. He had faith in the training and knowledge of these two departments. He said his concern was that the surrounding communities that usually held their own fireworks had cancelled and with that being done, there was a good possibility that there would be a greater number of visitors in attendance and additional trouble and problems. He felt traditions were worth keeping and the fireworks were one of the events that drew young couples to Bedford which in itself promoted Bedford. He thought the costs involved were irrelevant and the fireworks were a benefit to the "whole of Bedford". He suggested the City hire additional officers for the evening and anything could happen anytime. There was a possibility that Bedford could be mobbed with numerous visitors if everyone cancelled in the surrounding areas. The City of Solon was the only other city still having fireworks in 2013. Accidents do happen every day of the week and if an accident happened, then it should not make Bedford look bad. He felt the Police and Fire Departments should "suck it up" and do what they were professionally trained to do. He reiterated that if the other surrounding cities cancelled then there was a very good possibility that Bedford's event could become overwhelmed. He was also in favor of the tribute band idea of Mr. Mallis. He felt if you weren't from Bedford you really didn't understand the "traditions" in Bedford. Mr. Angelo disagreed with Mr. Schuman's remark.

Mayor Pocek said he couldn't believe and he was shocked to see what he was watching as he was trying to speak on stage that evening. There were a few hundred kids running all over the place causing problems all at once. Mr. Angelo was very concerned with this type of crowd. A situation like this could "blow up in the City's face" at the next fireworks event.

Mr. Lewis thought if there was not a fireworks display, there might be no need to have the games for the children. He was afraid people would not attend the games and the activities would fail. Mr. Schuman thought the activities should be kept for the children.

Chief Nagy was very highly offended of the remark made by Mr. Pozar that was stated in the December 17, 2012, Regular Council minutes of the safety forces not doing their job.

***As stated: "Our safety forces seem perfectly comfortable with getting the holiday off paid. Not coming to work on a holiday to handle the safety of the event was preferable to them. He thought if they could convince Council that there was an enormous threat, and therefore cancel the event, they would not have to deal with it. Our safety forces work under the direction of the people, through their government, and would follow the instructions they were given."***

As Chief Nagy spoke on behalf of the Fire Department, he stated he had been an employee for 18 years and has done his job as requested and required. The Fire Department works 365 days a year, 24 hours a day, seven days a week. There was no such thing of getting the holidays off; the Fire Department was staffed 365/24/7 nor did he appreciate the suggestion/comment that the Fire Department employees did not care.

Mr. Schuman had faith the Police and Fire Departments were well enough trained to handle any situation. He added that the statement in the December 17, 2012 Regular Council minutes were of one (1) councilman's opinion, Mr. Pozar only.

Assistant Chief Solar noted he was in the area over by where the fireworks were being set-off, the "charging area". He stated these kids were "crazy" and he strongly felt safety should be considered as a #1 priority. He briefly commented maybe Council should ask the opinions of Chief Nagy and his own wife regarding this issue. Their wives were very concerned for their safety, they have families.

Mr. Lewis was concerned about safety. He did not want to see anyone hurt even though he has confidence in the Police and Fire Departments. He then remarked, "if you can't do it, then you can't do it."

Mr. Mallis understood the various reasons or concerns that this event should be cancelled for whatever reason any given person wanted to express or believed. He agreed with Mr. Schuman that there was very, very good possibility that this event could be overwhelming for the safety forces and the community. He agreed accidents do happen but there were many things to consider with the extra attendance from outside visitors. He stated this issue would be thought through thoroughly before the final decision was made. He still thought the funds could be used for better things/events/concerts around town throughout the year every year.

Deputy Chief Nietert said he could see both sides regarding this issue. He remembered watching the fireworks as a child too, but then, there was not this type of situation. Times have changed, children have changed. As a child he enjoyed the fireworks; as an adult he would not bring his family. One great concern was the amount/number of people that were crammed into a small tight area. It would hard/difficult/impossible to control the crowd in this type of situation, which lead it to be a "crazy situation" if something were to break out. He pointed out the obvious, Wal-Mart was a taxpayer and it was not fair to ask them to close their doors so they could avoid the vandals again. The closing of Wal-Mart's doors causes them to lose money. He felt Wal-Mart should be given additional security paid by the City so they can stay open during Bedford's fireworks.

There was a brief discussion regarding the Special Council Work Session held on Tuesday, August 21, 2012 at 7:00 p.m. at the Bedford Recreation Center. Council had been previously instructed not to speak at the work session because it was mostly for the residents to voice their opinions and concerns regarding the 2013 fireworks. Most of the residents that attended the meeting did not attend the fireworks display, or watched them from the yard and had no idea what actually happened. All they knew was that Bedford had been doing them for a long time. (see attached) Mrs. Zolata suggested another meeting so Council and the Administration could inform the residents. Mayor Pocek thought it would be best to address this topic at the upcoming Ward meetings. Council agreed.

Mrs. Mizsak noted over three-fourths (3/4) of the residents that attend the Special Council Work Session held on Tuesday, August 21, 2012 did not know what actually happened at the 2012 fireworks. These kids were out of control and they were "tweeting" each other and then "it" all broke loose. She, too, loved the traditions in Bedford just like everyone else. She felt if the surrounding communities cancelled their fireworks in 2013 then Bedford's Fourth of July event would be overwhelmed. She, too, was between a "rock and a hard place."

Mrs. Zolata agreed with everyone, she has been in Bedford for 51 years. She understood what everyone was saying and she could see both sides. People were coming from all over; some of these visitors were the ones ruining it for everyone, not the Bedford residents. After the event, she was told by several people that they would not attend another firework display. It was a dangerous situation in 2012 and the night of the fireworks had been a problem for the last three (3) years. She stated that it was an impossible situation and she would hate to give up one of Bedford's loved traditions. She was not able to attend in 2012 because of an injury and when she heard of the trouble the first thing she asked was "did any of our safety forces get hurt?" She always

worries about the safety forces. Mrs. Zolata briefly commented what would happen if someone comes with an assault rifle and shoots it into the crowd just like what everyone was reading in the current news.

Mr. Saunders stated he has been in Bedford for 58 years and he was very torn over the issue. He wanted to promote the City, let everyone know Bedford was a safe community to raise a family and he felt it was working because of all the great events held every year for several years. He thought if an accident happened during the fireworks display it would send the wrong message of Bedford being a safe town. He understood from his constituents that most of them felt everyone should stand up to these kids. He knew because of Bedford's traditions, a lot of people that move out of Bedford return for these traditions and events.

Mayor Pocek noted this would be his last fireworks event as Mayor. He had concerns the crowd size would be double, the trouble could be more than what the limited safety forces could handle. What he saw happening from the stage that evening was "frightening".

Mr. Batten talked about the promises made during the 2009 safety levy and the message to the residents was that everything would be kept "as is". He said he would hate to do away with the fireworks. Bedford had the "best" fireworks in the area. He reflected back 20 years ago to the games and all the fun the kids and firefighters had with the different games that were played. He was definitely on the "fence"; he was not sure what way to turn. He knew the residents wanted the event but the City needed to do what was best. Mr. Lewis was all about replacing the fireworks event with another "value". Mr. Mallis stressed there were several ways to give back to the community. He reiterated with signing another three (3) year fireworks contract knowing St. Peter Chanel School was closing might not be a good choice. He suggested it was time to offer something different or something else to the well-deserved community.

Mr. Koci also reflected on the fun times the firefighters had with the water fights. He noted traditions were about everyone. It was no secret that he has been against the fireworks for three (3) or four (4) years now. Nobody from his family goes. He did not feel the fireworks enhanced the City and visitors did not spend money in town after the fireworks. He thought the tribute bands Mr. Mallis discussed was a great idea. The bands would serve a purpose for the businesses downtown. The Arts & Cultural Board could do so much more with the money throughout an entire year instead of a few minute fireworks show. The FriDates idea was taking off and the tribute bands could be an extension. People were now attending some of the FriDates concerts from outside the City. It was important to attract people to Bedford year around not just for one night of fireworks. He felt it was a "no brainer" to eliminate the fireworks. He understood the thoughts behind the 2009 levy, but times have changed and the City cannot help that. He felt with the additional attendance of visitors, it would leave the City wide open and it would create an overwhelmed situation.

Mr. Mallis referred to a time in 2008-2009 when Sister Maria, President of Chanel High School, voiced concerns and considered prohibiting the fireworks. The firework display was not interrupted and was still scheduled for that year. The City had discussions with her to assure safety measures had been taken and the fireworks continued.

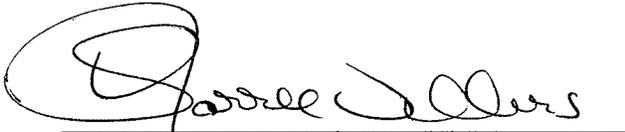
Mr. Gambosi also enjoyed fireworks; however, he did not see the issues that were going on from where he was. He felt it was important to keep Bedford in a good standing and there could be too many problems. The cost of a 20 minute show could be spent on 20-30 concerts for entertainment and marketing the City. The City of Solon could be a target and they could be setting themselves up to be overwhelmed. He felt the money could be spent more wisely, for better programs and there were other things to offer.

Mayor Pocek and Council thanked the Administration for the thoughts and concerns on the subject.

Discussion of the regular Work Session agenda was concluded.

At 7:43 p.m., Bedford City Council, City Manager Henry Angelo, Law Director Ken Schuman, Finance Director Frank Gambosi, went into an executive session to discuss personnel. The Executive Session recessed at 7:57 p.m.

The Work Session adjourned at 7:58 p.m.

  
Clerk of Council

  
Mayor – President of Council

REGULAR MEETING

BEDFORD CITY COUNCIL  
STATE OF OHIO  
COUNTY OF CUYAHOGA

DATE: January 7, 2013

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 December 17, 2012
- b. Approval of Minutes of the Regular Meeting of December 17, 2012
- c. Approval of Minutes of the Master Plan Committee Work Session of December 19, 2012

5. OLD BUSINESS

- a. Ordinance No. 9019-12 establishing Chapter 555 of the Codified Ordinance entitled "Massage Establishments" (1<sup>st</sup> Rdg 12-3-12 – Tabled 12-17-12)

6. REPORTS

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

7. NEW BUSINESS

- a. Ordinance No. 9033-13 authorizing the City to certify to the County Auditor costs associated with Police response to 601 Northfield Road
- b. Motion to appoint Ken Wilson to the Board of Building Standards and Appeals
- c. Motion to reschedule the January 21, 2013 Regular Council Meeting to Tuesday, January 22, 2013 in observance of Martin Luther King Day

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

January 7, 2013

Bedford City Council met in Regular Session at Bedford City Hall on Monday, January 7, 2013. Mayor Pocek called the meeting to order at 8:01 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Koci, Mizesak, Pocek, Saunders, Zolata, Batten. Absent: Pozar.

Motion made by Saunders and seconded by Zolata to excuse Councilman Pozar from this evening's meeting. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Saunders to approve the minutes of the Work Session of December 17, 2012. The roll was called. Vote – Yeas: Mizesak, Pocek, Saunders, Zolata, Batten. Nays: None. Abstain: Koci. Motion carried.

Motion made by Batten and seconded by Zolata to approve the minutes of the Regular Meeting of December 17, 2012. The roll was called. Vote – Yeas: Mizesak, Pocek, Saunders, Zolata, Batten. Nays: None. Abstain: Koci. Motion carried.

Motion made by Zolata and seconded by Mizesak to approve the minutes of the Master Plan Review Committee of December 19, 2012. The roll was called. Vote – Yeas: Mizesak, Pocek, Saunders, Zolata, Batten. Nays: None. Abstain: Koci. Motion carried.

Motion made by Batten and seconded by Koci to remove Ordinance No. 9019-12 from being tabled on December 17, 2012. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 9019-12**, an ordinance establishing Chapter 555 of the Codified Ordinances of the City of Bedford entitled "Massage Establishments" and declaring an emergency placed on first reading on December 3, 2012 and tabled on December 17, 2012 was read by title only.

Motion made by Saunders seconded by Mizesak to amend Ordinance No. 9019-12, Section 555.23 entitled "Patrons under 18" to add the words "unless accompanied by a parent of legal guardian" as presented to Council.

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

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

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

Mr. Schuman briefly explained this was an action of the Administration and Council being proactive to get it on the books regarding massage establishments.

Motion made by Saunders seconded by Mizesak to place Ordinance No. 9019-12 on third and final reading and passed.

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

No report from City Manager, Henry Angelo.

No report from Law Director, Ken Schuman.

No report from Finance Director, Frank Gambosi.

Councilman Saunders appreciated the Code Red that Mr. Angelo sent out for the parking ban on the roads because of the snow. The only problem was the Police Department did not enforce the parking ban. There were five (5) cars on his street that were not ticketed or removed. He pointed out some of the residents were using the street as a daily extension or overflow of their driveways. He thought it would be a topic to address in the near future and maybe limit the parking on the streets during the months of April to November. The streets were narrow this time of year because of the snow build-up. He noted the rubbish truck could hardly make it down the street the other day because of the limited road width. This was an ongoing problem and he felt the cars should be towed away. Mr. Saunders reported the business that was located on the corner of Forbes and Broadway Avenue in the old gas station removed the ODOT reinforced safety fence. He wondered if ODOT was aware their fence was removed. Mr. Angelo was not aware the fence was removed and he would check into it. During snow plowing, he thought the Service Department reported the parked vehicles in the street to the Police Department. He was more concerned about enforcing the current laws and ordinances on the books instead of creating additional ordinances.

Councilwoman Mizsak welcomed Councilman Koci back and wished everyone a Happy New Year and a healthy new year. She questioned whether the City could apply for a grant to address the water lines breaking throughout the city. Mr. Angelo explained the City had previously applied for a grant for a major project on Broadway and the City was rejected. Applying for a grant for a smaller project for Grandmere would be a waste of efforts. The grants were reviewed and awarded by a point system and if there were not enough points, then it would be denied. The City was following the waterline pressure levels controlled by the City of Cleveland. Mrs. Mizsak understood it was the responsibility of the third shift police officers to report nonworking street lights. She noted a couple of lights were out on Santin Circle. Mr. Angelo reported there were currently 38 street lights that were not working. He urged everyone to report any lights that were out.

Councilwoman Zolata pointed out that the Master Plan Review Committee discussed at their December 19, 2012 meeting the poor condition of the vacant BP Station on Broadway Avenue. She had noticed some recent activity at this corner. She previously reported some street lights out to Mr. Bellar on Broadway Avenue and noted the snow buildup on the Northfield Bridge to Mr. Angelo. She referred to the two (2) major water line breaks on Union and Willard Street. Also, the City of Twinsburg had a nativity scene on display this year. Mrs. Zolata wished everyone a Happy New Year. She welcomed Councilman Koci back from his illness.

Councilman Koci thanked everyone for the well wishes, the cards and prayers. Prayers do work; he had a few setbacks and he was on his way to recovery. He corrected the information on the utility bill that the FriDates concerts for January 18th and February 15th would be held at the Bedford Church of the Nazarene on Center Road.

No report from Councilman Batten.

Mayor Pocek announced that Councilman Pozar requested that Clerk Villers read his report this evening. The audience could not hear the Clerk because she did not have a microphone so Mr. Schuman read Councilman's Pozar's report (see attached). Mayor Pocek explained this issue would be discussed in the future Work Sessions. The final decision would be announced no later than March 2013.

**ORDINANCE NO. 9033-13**, an ordinance authorizing the City of Bedford to certify to the County Fiscal Officer the costs associated with police response to 601 Northfield Road as said

homeowner is in violation of Bedford's Criminal Nuisance ordinance and declaring an emergency was read by title only.

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

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

Motion made by Mizensak seconded by Saunders to place Ordinance No. 9033-13 on third and final reading and passed.

Mr. Schuman noted this was a repeat offender and the City would continue to be aggressive with the landlord and the tenants.

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

Motion made by Zolata and seconded by Koci to appoint Ken Wilson to the Board of Building Standards & Appeals.

The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously. Mr. Wilson thanked Council for his appointment.

Motion made by Koci and seconded by Mizensak to reschedule the January 21, 2013 Regular Council Meeting to Tuesday, January 22, 2013 in observance of Martin Luther King Day.

The roll was called. Vote – Yeas: Koci, Mizensak, Pocek, Saunders, Zolata, Batten. 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.

Kathy Williams, 491 Lamson Avenue, received a Sexual Offender Notification this past Saturday (see attached). She felt this offender [Scott W. Mundi] would have to be removed because he was within 1,000 feet of a Day Care Center. He was placed at the 121 Center Road Safely Home. She referred to a meeting where Mr. George Purgert stated he would not have sexual offenders in these homes. She wondered if anyone was checking the Sexual Offenders list. Mr. Schuman was not aware of the notification and he was the person that checked the list. He assured her that he would investigate the situation.

Jeff Duber, 134 Harriman Street, referred to garage fire on his street a couple weeks ago. The issue was the Fire Department did not have enough hydrant water pressure to put out the garage fire. Heaven forbid there was a house fire on the street. The fire hydrant was currently out of service. He asked if the City had any plans to address the water lines. Mr. Saunders mentioned the Fire Department had to hookup to a fire hydrant on Wheellock Drive to extinguish the fire. Mr. Angelo said he would check on this matter.

Sabrina Future, 15 Charles Street, asked if there was a possibility the fireworks decision could be voted on by the residents. Mayor Pocek and Mr. Schuman replied, no this would be a Councilmatic decision. Mr. Schuman explained the difference between administrative actions [every day operations] and voter obligations [Charter amendments, increase in income taxes and/or election of Council members]. Public Officials were elected to act on the betterment of the community. Mrs. Zolata asked Ms. Future what her

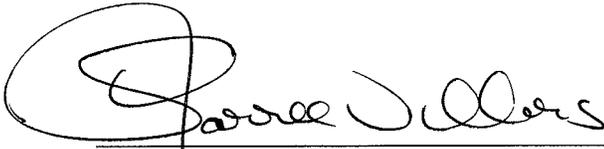
opinion was regarding the fireworks. Ms. Future replied, she agreed with Mr. Pozar because of her line of work at the Bedford YMCA as a youth program director.

Ken Wilson, 60 West Monroe, referred to a personal situation when he received a ticket from the Police Department for parking in the street. He was not in favor of Mr. Saunders suggestion of a no parking ban starting in April and ending in November.

Tim Tench, 286 Marion Drive, informed everyone there was a School Board Organizational Meeting on Thursday, January 10, 2013 at 6:30 p.m. The first meeting at Bedford Falls Café was on Saturday, January 12, 2012 from 9:00 a.m. to 11:00 a.m. for the residents to ask any questions of concern.

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

Meeting adjourned at 8:35 P.M.



Janelle Williams  
Clerk of Council



David L. Pocek  
Mayor – President of Council

Jan 7, 2013

In my absence tonight I wish to put on the record the following remarks under Council remarks, and thank the Clerk of Council for reading them verbatim into the record.

Since it was scheduled for discussion tonight, I assume my colleagues have weighed the prospects of continuing a long standing tradition. A community day celebrating the independence of our country. The program that draws thousands of our residents, neighbors, returning family members, and guests to Chanel High School is our annual fireworks display.

The event is in danger of being canceled.

Due to the few scofflaws and immature individuals causing sporadic disruptions to this family event last year, questions are being asked, as to the wisdom of continuing this tradition, in the face of these inconveniences. To stop this event for that reason, in my opinion, would have unintended consequences that perhaps have not been discussed.

The glue that has held our community together since our family arrived here in 1951, has been the friendly neighborliness and community bonding that is the heart and soul of small-town America. Bedford has certainly been a model community in this regard. A vital asset we share is a common desire to live in a safe, friendly environment, with the freedom to exercise our community spirit, and at the same time, bonding together the friendships that are the social underpinnings of our wonderful town.

If council were to stop the celebration, for any simplistic reason, we would expedite the deterioration of society in a time where many of our values and traditions are being assaulted by the atheists and progressives. To be intimidated by the possibility that the events of last year are repeated is wrong. It has been suggested that we just conveniently cancel them until the societal circumstances change back to a more civil and peaceful time. Doing so would simply be giving up on defending that which is dear to us, and give in to the forces at work to destroy those freedoms.

To meet with our department heads and hear their evaluation of what happened, is a healthy part of our process, but only one method by which we make our decision. Ultimately, city council is responsible to collectively envision all of the possible consequences, and act accordingly. In my opinion, and with the input of many of my constituents, to cancel Fireworks would be cowardly. It would surrender to minor problems at the expense of the long range solidarity of our wonderful town.

The police and fire departments, along with our neighboring units, must be directed to uphold those values at any cost. They should be instructed to propose a plan to allow us to safely and efficiently proceed with the event. Most of our uniformed personnel do not live in Bedford. To them it is a job for which they are well paid. It is understandable that they would want to celebrate Fourth of July in their hometowns with a paid holiday. This is not a good reason to start into motion and inertia that will never be overcome.

The minimal cost of celebrating together represents a tiny percentage of the overall operating budget, and is dwarfed by the millions of dollars that Bedford has received free in the form of grants over the last ten years to maintain our standard of living.

It is quite possible to prevent the reoccurrence of last years distractions, We should pay great attention to solutions to employ our safety forces resources, to guard our traditions, and secure the area of celebration against minor terrorism in the form of unruly youths. We need a coordinated plan to accomplish this task, and preserve the glue that holds us together. To do otherwise would be cowardly and the long term consequences would put another nail in the coffin of a free and civilized society.

Greg Pozar Council Ward 5

A handwritten signature in black ink, appearing to read "Greg Pozar". The signature is written in a cursive style with a long, sweeping underline that extends to the left.