

COUNCIL WORK SESSION

MONDAY, NOVEMBER 18, 2013

6:30 P.M. PROMPT

- **DISCUSSION OF AGENDA**

- **BUDGET HEARING**
 - **Municipal Court**

- **DISCUSSION OF VACANCY IN WARD 2**

- **EXECUTIVE SESSION - Personnel**

Bedford, Ohio

November 18, 2013

Bedford City Council met in a work session at Bedford City Hall on Monday, November 18, 2013 at 6:32 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizesak, Greg Pozar, Don Saunders. Administration: City Manager Henry Angelo, Finance Director Frank Gambosi, Clerk of Council Lorree Villers. Absent: None. Also present: Mike Mallis, Calvin Beverly.

Mayor Pocek rearranged the Work Session agenda in order to discuss the Municipal Court budget with the Clerk of Court, Tom Day.

The Budget discussions this evening was with the Municipal Court with Tom Day Clerk of Courts.

Municipal Court - Mr. Day thanked the Administration and Council for working closely with the Municipal Court. He appreciated the support and good partnership. He felt they had done a very good job in keeping their costs down. Mr. Angelo praised the assistance of Ms. Dulaney for her help regarding the voicemail system that had been down for a little over three weeks.

The budget started with the Expense portion of the Budget: Mr. Pozar asked for the number of employees. It was determined 165 total fulltime which included the 23 fulltime in the Municipal Court. There were 22 part-time totaling 45 employees currently working in the Municipal Court. Mr. Day mentioned there was a Bailiff position that needed filled in 2014. Mr. Saunders asked if there were any raises expected in 2014. Mr. Day replied, yes but that would not happen until late spring. The Judges and the Clerk of Courts had not received a raise but Mr. Day had received a bonus instead. The Judges raises were associated with the ORC and a State mandate. It was determined some of the monies that were collected in 2013 into the newly created funds were accumulated for 2014. The Municipal Court Special Programs were associated with Bonds and its commitments to City Hall. Mr. Batten asked if the Courts were experiencing problems with the payments to City Hall. Mr. Day replied, no. Mr. Day said there was a part-time law clerk that was doing the research for the Court. The computer fund was a driven fund for professional services, computer maintenance and other items. Mrs. Mizesak asked if the Municipal Court was renting/leasing any equipment or storage. Mr. Day replied, yes, there were case files that needed to be saved for several years in an off-site temperature controlled building. The \$15,000 had been accumulated for the Judges computer software and expenses.

The Revenue portion of the budget for the General Fund varied throughout the years. Mr. Day tracked the costs on a regular basis. 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. Mr. Saunders asked if the Courts were overwhelmed. Mr. Day explained the workload varied but it was manageable; being overwhelmed was a good thing. It was determined Solon was probably the biggest user of the Court system next to Bedford. Council did not have any other questions. Mr. Day thanked Council and the Administration for their time.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Council had no issues with the minutes of the Work Session and the Regular Meeting of November 4, 2013. Mrs. Zolata pointed out one small clarification which Clerk Villers would address.

Ordinance No. 9122-13 was an ordinance to make appropriations for current expenses and expenditure of the City of Bedford, Ohio during the year 2014. Mr. Gambosi requested this ordinance be read as a first

reading this evening. He would have amendments before the final reading in December 2013. Council agreed and they had no questions.

Ordinance No. 9123-13 was an ordinance authorizing change orders for the Bedford WWTP equalization basin improvements with Nerone & Sons, Inc. Mr. Angelo explained the expenses were suggested for the oil and electric lines to make future repairs easier. This was the third change from the original ordinance in 2011.

Ordinance No. 9124-13 was an ordinance authorizing the City Manager to enter into a contract with Wastecorp Pumps for the WWTP raw sludge pump. Mr. Angelo explained the existing pump was the original pump from 1973 which was in need of replacement.

Ordinance No. 9125-13 was an ordinance authorizing the City Manager to enter into an agreement with Cuyahoga County Department of Development. Mr. Angelo explained this was a \$150,000 grant for the use of the Ellenwood Recreation Center for some very nice improvements. Mr. Mallis explained the front sidewalk from the sidewalk to the building was going to also be ADA compliant. Doty & Miller had been working with Mr. Mallis and Mr. Lewis on the project.

Resolution No. 2474-13 was a resolution authorizing supporting the preservation of customer choice through Ohio Electric Governmental Opt-Out Electric Aggregation. NOPEC had saved over \$175 million for the residents and small businesses since they began delivering services which represented 174 communities for collective buying power for a better deal for Ohio.

It was determined the vacancy for Ward 2 would be resolved after Mr. Schuman checked into some information. Mr. Koci had a few residents in mind; however the candidate would be determined by Council as a whole. There would be an interviewing process conducted by Council members. Mr. Schuman would work with Clerk Villers on a letter which would list requirements. The candidate would have to send a letter of interest to Clerk Villers for Council's review.

Discussion of the Regular Meeting agenda was concluded.

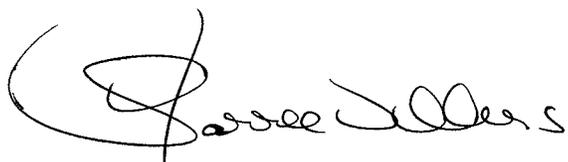
At 7:35 p.m., Bedford City Council went into an executive session to discuss personnel.

At 7:58 p.m., Bedford City Council temporarily adjourned executive session to conduct regular Council meeting.

Executive session reconvened at 9:00 p.m. to continue discussion on personnel.

Executive Session adjourned at 9:18 p.m.

The Work Session adjourned at 9:19 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 November 4, 2013
- b. Approval of Minutes of the Regular Meeting of November 4, 2013

5. PRESENTATIONS

Meals on Wheels – City Hall & Fire Department Employee Donations

6. REPORTS

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

7. NEW BUSINESS

- a. Ordinance No. 9122-13 City of Bedford 2014 Appropriation Budget
- b. Ordinance No. 9123-13 authorizing additional work for Nerone & Sons, Inc. (\$3,916)
- c. Ordinance No. 9124-13 authorizing the City Manager to enter into a contract w/Wastecorp Pumps (\$16,900)
- d. Ordinance No. 9125-13 authorizing the City Manager to enter into an agreement with Cuyahoga County Department of Development
- e. Resolution No. 2474-13 supporting the preservation of customer choice through Ohio Electric Governmental Opt-Out Electric Aggregation

8. HEARING OF CITIZENS

9. ADJOURNMENT

PLEASE TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING

(Council minutes and agenda posted at www.bedfordoh.gov)

Bedford, Ohio

November 18, 2013

Bedford City Council met in Regular Session at Bedford City Hall on Monday, November 18, 2013. Mayor Pocek called the meeting to order at 8:00 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Batten, Koci, Mizesak, Pocek, Pozar, Saunders, Zolata. Absent: None.

Motion made by Pozar and seconded by Mizesak to approve the minutes of the Work Session of November 4, 2013. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Koci and seconded by Batten to approve the minutes of the Regular Meeting of November 4, 2013. The roll was called. Vote – Yeas: Koci, Mizesak, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

The presentation this evening was presented by Mr. Angelo and Mr. Millet to Alma Rhine of the Southeast Clergy Meals on Wheels program with a check for \$1,000.00. The donation was collected throughout the year by employees who participate in casual Fridays. Mr. Millet from the Fire Department also presented Ms. Rhine with a check in the amount of \$500 from Bedford Firefighters. Ms. Rhine thanked everyone for their generous donations and said the Southeast Clergy Meals on Wheels was growing in numbers. These donations were very important to this organization.

City Manager, Henry Angelo explained the voicemail system was not working correctly but it was being addressed in hopes it would be working shortly.

No report from Law Director Ken Schuman.

Finance Director, Frank Gambosi stressed the negative effects of HB5. There were a lot of changes that would not be a benefit for the City of Bedford. Mayor Pocek noted there were not a lot of positive effects or decisions from Columbus. Mr. Pozar asked what Mr. Budish was doing in looking after the cities. Mr. Gambosi stated Mr. Grossman and Mr. Henne were the two in Columbus pushing HB5. They were getting a strong backing from Ohio Chamber of Commerce, Ohio Society CPA's and others. OML was on the side of the cities. Representative Barnes was standing strong regarding this issue. Mayor Pocek explained the Mayors and Managers Association was also addressing this issue for the cities.

Mayor Pocek congratulated those who had their names on the ballot; whether they won or lost should be commended. He wished everyone success.

Councilman Batten reminded everyone of the Salvation Army dinner on Sunday, November 24, 2013 between 5:00 p.m. and 7:00 p.m.

Councilman Koci thanked everyone for their votes. He invited everyone to please join in on the "Lights Out for Hunger" night on December 18, 2013 and donate their electricity savings for this campaign. Check donations should be made out to South Haven United Church; flyers were available in Council Chambers. On November 27, 2013 the annual Tree Lighting ceremony would take place at 6:00 p.m. on City Square. After the Tree Lighting there was a church service at 6:30 p.m. He and Mr. Saunders recently attended the NLC seminar where they both brought back some good information/ideas. He said the First Tier Suburbs Committee was going to discuss at the March NLC seminar the effects of when a large company closes and what avenues the city should take. He was currently the Vice-chair of the First Tier Suburbs; he was appointed as a "fellow" of the NLC University.

Councilwoman Zolata added the Lights Out for Hunger campaign was from November 27, 2013 to January 8, 2014; Bedford Heights and Village of Reminderville also joined the campaign. She congratulated everyone who ran for election; it was the American way. The Broadway Avenue waterline project was almost completed and was shaping up rather well. Ward 3 residents were concerned about the vacant convent on Broadway Avenue; there was a meeting scheduled on Saturday, November 23, 2013. She hoped for some kind information of what was going to happen to this property.

Councilwoman Mizsak congratulated everyone on the election. She spoke about the graffiti on the sidewalk at Slate Run to the top of the dip on Turney Road. She requested leaf pickup in her area. Mr. Angelo informed everyone there were four leaf crews out for the next three to four weeks. She asked about the water main on West Grace near PNC Bank. Mr. Angelo replied, yes but there were some ongoing issues with this water main.

Councilman Pozar welcomed Sandy Spinks as the new Ward 1 Councilwoman and Vice-Mayor Stan Koci as the new Mayor in 2014. He stated strictly for the record; this was his opinion only but the lead story on Channel 8 was that some cities were eating on the public's dime was more news worthy than a burnt body. This feeding frenzy that was generated by Channel 8 he thought was a practice that targeted in a petty fashion that purposely enraged citizens that currently suffered financial disorders that were mandated by the State, Federal and County governments to the point where we the people who were all powerful were becoming diminished and not withstanding our Home Rule capacity. Every year the budget was getting tighter and tighter but not because of the way Bedford was handling the finances. He felt "news star beat" reporters handled new stories as simple as people having a slice of pizza or a cup of coffee at a Board meeting. Council attended meetings after their normal work day for four or five hours and now it had become an issue. He was curious if Channel 8 bought pizza for their late night people or coffee for their pre-dawn team. He thought a trivial issue like this that created ripple effects through communities for the pure sensationalism of it; warranted a rejection of those reports in the future. Again, this was his opinion. Peggy Sinkovich who did the follow up after the initial interview at City Hall started the report by saying "just to see if anything's changed since our last interview". He was here when Peggy Sinkovich cornered Mayor Pocek and stuck a camera in the Mayor's face about Council eating at meetings. He felt it was unfair because Mayor Pocek did not have the information she requested. In Mayor's Pocek's defense, the Mayor was totally courteous, which he felt the courtesousness was more than what Ms. Sinkovich should have received. The amount Ms. Sinkovich referred to was that Council spent \$100 per month for food for two or three meetings. Six other communities were listed but those cities did not respond in the same manner as Bedford. Bedford was the only community to give up any type of consideration to that pressure. The other six communities told Ms. Sinkovich business as usual, move along and what they were doing was totally legal and common place in business. Mr. Pozar explained Ms. Sinkovich returned for a second interview and trapped the City Manager in the hall and refused to leave until they spoke to someone. Essentially what happened in this interview was an admission of some type of practice that needed to be stopped which made the news again. During the interview, Mr. Angelo said the topic had been discussed between Council and the Administration and the decision was for Bedford not to continue the practice. He stated, "In all due respect we did not talk it over. It's not Mr. Angelo's call and the knee jerk appeasement of the press in my view is wrong". The costs for Bedford were \$100 per month for 12 months totaling \$1,200.00. He alluded to the other city departments whether their coffee and donuts should be cancelled because Bedford was embarrassed by rewarding its employees and those people that would be making the decisions for the City for the next couple years. Then Ms. Sinkovich stated, "After the outcome of her investigation the other communities remain stale and have no plans to change the practice". He felt as though Ms. Sinkovich made an inquisition, except for Bedford that cooperated and was courteous. The lesson here to be learned that when the news media sticks a microphone in someone's face the person should take a deep breathe, back off and ask ourselves what the objective was whether it was for a shock reaction, honest statement or forced to be embarrassed. News reporters interview someone for 15-20 minutes and broadcast biggest blemish or worst statement and that was what the viewers were shown. In light of the fact that the other

cities stood up for themselves and stated they were not changing a thing and for the reporter to go elsewhere. He wished Bedford would have done that. He said Council was in charge of their own destiny on this issue: not the City Manager. Council would make a decision in the future as to how this practice was continued and what was done for the other departments in the evening hours. While Council and the Administration were addressing serious issues in trying to keep the city afloat; having a slice of pizza was not something that deserved an apology. He stated this was his opinion not everyone else.

Councilman Saunders reported HB5 was also discussed at the NLC seminar he recently attended. He said Ford Motor Company was one of the biggest supporters of HB5. While at the NLC seminar, he attended the infrastructure and transportation seminars. In 2014, the Transportation Bill would be addressed. The Transportation Bill provided assistance with many projects in Bedford. The Transportation Fund was funded through gas tax so with the electric cars and more efficient vehicles the fund was being affected. Maintenance and repairs to the streets, highways and bridges was very important. State of Ohio was backward regarding the light rail systems. The NLC seminar was not a waste of time. He reported a huge branch on the sidewalk on Union Street.

ORDINANCE NO. 9122-13, being an ordinance to make appropriations for current expenses and expenditures of the City of Bedford, Ohio during the year 2014 and declaring an emergency was read by title only.

Motion made by Koci seconded by Zolata to place Ordinance No. 9122-13 on first reading.

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

ORDINANCE NO. 9123-13, an ordinance authorizing change order #2 for the Bedford WWTP Equalization Basin Improvements and declaring an emergency was read by title only.

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

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

Motion made by Batten seconded by Zolata to place Ordinance No. **9123-13** on third and final reading and passed.

Mr. Angelo explained the additional cost was to move an electrical and oil line. This would save time and money for future repairs.

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

ORDINANCE NO. 9124-13, an ordinance authorizing the City Manager to enter into a contract with Wastecorp Pumps, and declaring an emergency was read by title only.

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

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

Motion made by Mizsak seconded by Saunders to place Ordinance No. **9124-13** on third and final reading and passed.

Mr. Angelo explained this was a replacement for the original pump that was installed in 1973 in the amount of \$16,900 which would be installed by an employee.

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

ORDINANCE NO. 9125-13, an ordinance authorizing the City to enter into an agreement with Cuyahoga County Department of Development and declaring an emergency was read by title only.

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

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

Motion made by Zolata seconded by Koci to place Ordinance No. **9125-13** on third and final reading and passed.

Mr. Angelo explained this was a \$150,000 grant secured from the County used for improvements for ADA projects at Ellenwood Recreation Center.

The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Saunders, Zolata, Batten. Nays: Pozar. Motion carried.

RESOLUTION NO. 2474-13, a resolution supporting the preservation of customer choice through Ohio Electric Governmental Opt-Out Electric Aggregation was read by title only.

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

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

Motion made by Saunders seconded by Pozar to place Resolution No. **2474-13** on third and final reading and passed.

Mr. Angelo explained this was in support in the State of Ohio to have an opt-out program. There was a savings of approximately \$175,000 million throughout Ohio.

The roll was called. Vote – Yeas: Koci, Mizsak, Pocek, Pozar, 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.

Helen Briggs, 149 Grand Boulevard, asked if HB5 was being voted on a one or two part house bill. She understood the form was being considered a separate vote from the collections. Mr. Gambosi said there were several things added last minute. He stressed this was going to be a problem for Bedford. He offered to discuss this with her after the meeting. The bill was not finalized. Mrs. Briggs explained a recent

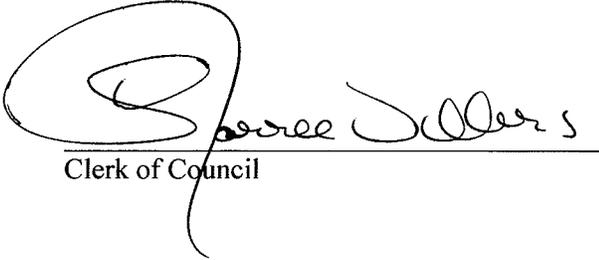
situation where a large type truck traveled down her street and ripped down all the power lines. Mr. Angelo was not aware of the situation but he would check into to it. She agreed the local news was in a sorry state.

Joyce Daunch, 86 Harriman Street, asked if it was possible to do a class action lawsuit against the people involved with HB5. Mr. Schuman and Mr. Gambosi replied, no. Mayor Pocek briefly explained OML represented all the cities and OML had been very supportive. She reminded everyone of the next two FriDates both starting at 7:30 p.m. She added both buildings were ADA compliant.

Mayor Pocek announced the Work Session Executive Session would reconvene in five minutes.

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

Meeting adjourned at 8:52 P.M.



Sherie J. Adams
Clerk of Council



Donald S. Pocek
Mayor – President of Council