

**COUNCIL WORK SESSION  
MONDAY, November 19, 2012**

**6:00 P.M. PROMPT**

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**Dinner will be served**

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- **BUDGET HEARING –**
  - **6:00 pm – Court**
- **DISCUSSION OF AGENDA**
- **DISCUSSION OF STUDENT GOVERNMENT DAY**
- **DISCUSSION OF BOARDS & COMMISSIONS RE-APPOINTMENTS**
  - **Civil Service**
  - **Board of Building Standards and Appeals**
- **EXECUTIVE SESSION – personnel**

Bedford, Ohio

November 19, 2012

Bedford City Council met in a Work Session at Bedford City Hall on Monday, November 19, 2012 at 6:10 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Greg Pozar, Stan Koci, Marilyn Zolata, Donald Saunders. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Henry J. Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman, Tom Day, Clerk of Courts. Absent: Paula Mizensak.

Tom Day was present this evening for the Bedford Municipal Court's budget discussion. He thanked the Administration and Council for working closely with the Municipal Court. He felt they had done a very good job in keeping their costs down. The focus was to setup email addresses and start emailing information and documents instead of spending money on postage. This would be a large savings.

Mr. Batten asked if the Court employees were paying the same for health coverage as City employees. It was determined the costs would be the same across the board. Mr. Schuman thought the City and the Court worked well together and that was known throughout other communities.

Mr. Pozar wanted to know what "give backs" the Courts was willing to do for 2013. Mr. Day thought their figures in the budget were very realistic. In the Professional Services line, the amount was kept the same as before. Mr. Pozar noted the focus was for each department to "give back" 3% - 5%. Mr. Day noted out of 45 employees the percentage was about 50% part time and 50% fulltime. There was going to be a transition of employees because of retirements with new replacements and fulltime to part time, as well as, part time to fulltime depending on the position. He assured Mr. Saunders the Court always hires the new/replacement employee at a lesser rate and not at the current rate the employee was making. It was important to keep the qualified people they had to assure the office was running smoothly.

Mr. Pozar asked how many employees were available to retire. Mr. Day thought about five were eligible.

Mr. Day noted the Courts were doing a good job collecting the monies owed to them. If there was a problem collecting monies, a collection agency was given the duties to call and collect the monies. Overall, the collections were doing very well.

Mrs. Zolata questioned how the alcohol treatment program worked. Mr. Day explained the amount of \$50,000 would cover assistance for approximately 20 people. This program was through the State of Ohio and was a very good program. There was another fund that assisted in the vehicle breathalyzer car starter. The driver had to blow into the system in order for the car to start to ensure that they were not intoxicated.

Mr. Day thanked everyone for working very well with the Court.

Mayor Pocek started the agenda topics for discussion.

Council had no issues with the November 5, 2012 Work Session minutes, the November 5, 2012 Regular Council minutes, November 13, 2012 Budget Work Session minutes or the November 14, 2012 Master Plan Review Committee minutes.

Resolution No. 2464-12 was a resolution authorizing the City Manager to enter into an agreement for Central Safety Forces Dispatch Center w/Bedford Heights and Maple Heights for the Dispatch Center. Mr. Schuman noted the agreement this evening had some changes from the previous agreement but nothing of any huge importance.

Ordinance No. 9015-12 was an ordinance for the 2013 Appropriation Budget. Mr. Gambosi noted this piece of legislation would have a few changes before the next meeting. There was discussion that the City may experience some difficulties with the changes the State was doing and those changes were definitely going to affect the City. There were several areas going to be affected by the cuts the State was doing which included the City services, streets, equipment, infrastructure and so on.

Ordinance No. 9016-12 was an ordinance amending Ordinance No. 8905-11 making additional appropriations. Mr. Gambosi referred to his memo: General Fund increases were for the following reasons: personal services hospitalization (\$250,000 more) and retro pay for AFSCME and police shift differential adjustments, prisoner sustenance, school mentoring program, Impact, and county auditor deductions. Funds 201-501 increases were for personal services hospitalization, retro pays, adjustment to special assessments on house repairs, fire equipment repairs, recycling magnets, solar testing capping wells, Egbert Road resurface, hospitalization claims and salt.

Ordinance No. 9017-12 was an ordinance amending Section 1311.29 of the Codified Ordinances. Mr. Schuman explained this was a housekeeping issue. This would not affect any of the current rooming houses.

Ordinance No. 9018-12 was an ordinance adopting the 2012 replacement pages of the Codified Ordinances. This was the standard ordinance from Walter Drane, the City's codifying agent. Council had no questions.

Mayor Pocek said Alma Rhine of the Southeast Clergy Meals on Wheels program would be presented a \$950.00 check during the Council Meeting from the Fire Department. Firefighter Mike Millet would have the honors this evening.

The Bedford Falls annual Proclamation would be presented this evening to Dot Schwende.

Resolution No. 2465-12 was a resolution strongly opposing the passage of HB 601 by the Ohio General Assembly which proposes uniformity measures for Municipal Income Tax in the form of unfunded mandates and a substantial loss of revenue. Everyone agreed this would be devastating to the City if it were to pass. Mr. Schuman would explain the importance of this bill to the residents at the next meeting. The bottom line was that this action would be a direct attack on Home Rule.

Resolution No. 2466-12 was a resolution authorizing the City Manager of the City of Bedford to enter into a contract on behalf of the City of Bedford with the General Health District of Cuyahoga

County for health services for the year 2013. This was an annual resolution with the county. Mr. Angelo noted this provided services to the City regarding problems with bed bugs, cockroaches, infestations and so on.

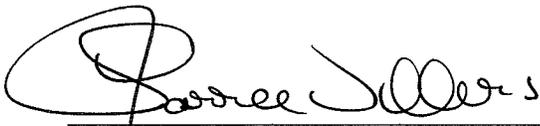
The motions recommended by the Planning Commission for the Audi and Mercedes building additions were straight forward so there were no issues for Council to be concerned with. The Assessment Equalization Board recommendation was explained by Mr. Gambosi. Council understood this property was going to be reassessed because it was way over valued. It was clarified the current assessment was based on the \$10 million figure. The Sisters of Charity needed to pay the current assessment amount and they would receive a credit for the following year.

Mayor Pocek asked Council what they thought about the topic for Student Government Day this year being "fireworks". Mr. Rock suggested the topic. They thought it was a great debatable topic.

Council agreed to appoint Dell Judd to the Civil Service position.

There was no need for the executive session as noted on the agenda.

The Work Session adjourned at 7:52 p.m.



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Clerk of Council



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Mayor – President of Council

REGULAR MEETING

BEDFORD CITY COUNCIL  
STATE OF OHIO  
COUNTY OF CUYAHOGA

DATE: November 19, 2012

AGENDA

TIME: 8:00 P.M.

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1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**

- a. Approval of Minutes of the Work Session of November 5, 2012
- b. Approval of Minutes of the Regular Meeting of November 5, 2012
- c. Approval of Minutes of the Budget Work Session of November 13, 2012
- d. Approval of Minutes of the Master Plan Review Committee Work Session of November 14, 2012

5. **OLD BUSINESS**

- a. Resolution No. 2464-12 authorizing the City Manager to enter into an agreement for Central Safety Forces Dispatch Center w/Bedford Hts & Maple Hts for the Dispatch Center (1<sup>st</sup> Rdg 10-15-12 – 2<sup>nd</sup> Rdg 11-5-12)
- b. Ordinance No. 9015-12 City of Bedford 2013 Appropriation Budget (1<sup>st</sup> Rdg 11-5-12)
- c. Ordinance No. 9016-12 amending Ordinance No. 8905-11 making additional appropriations (1<sup>st</sup> Rdg 11-5-12)
- d. Ordinance No. 9017-12 amending Section 1311.29 of the Codified Ordinances (1<sup>st</sup> Rdg 11-5-12)
- e. Ordinance No. 9018-12 adopting the 2012 replacement pages of the Codified Ordinances (1<sup>st</sup> Rdg 11-5-12)

6. **PRESENTATIONS**

Meals on Wheels – Fire Department Donation  
Bedford Falls Proclamation

7. **REPORTS**

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

8. **NEW BUSINESS**

- a. Resolution No. 2465-12 strongly opposing House Bill 601 uniformity measures for Municipal Income Tax
- b. Resolution No. 2466-12 authorizing the City Manager to enter into a contract with The General Health District of Cuyahoga County for 2013 (\$50,204)
- c. Motion to accept the recommendation of the Planning Commission for the Audi Dealership of November 7, 2012
- d. Motion to accept the recommendation of the Planning Commission for the Mercedes Dealership of November 7, 2012
- e. Motion to accept the recommendation of the Assessment Equalization Board of November 14, 2012

9. **HEARING OF CITIZENS**

10. **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

November 19, 2012

Bedford City Council met in Regular Session at Bedford City Hall on Monday, November 19, 2012. Mayor Pocek called the meeting to order at 8:00 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Koci, Pocek, Pozar, Saunders, Zolata, Batten. Absent: Mizesak.

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

Mayor Pocek announced the passing of former Police Chief Joseph Barr who retired from the Walton Hills Police Department.

Motion made by Saunders and seconded by Koci to approve the minutes of the Work Session of November 5, 2012. The roll was called. Vote – Yeas: Koci, Pocek, Saunders, Zolata, Batten. Abstain: Pozar. Motion carried. Nays: None.

Motion made by Saunders and seconded by Zolata approve the minutes of the Regular Meeting of November 5, 2012. The roll was called. Vote – Yeas: Koci, Pocek, Saunders, Zolata, Batten. Abstain: Pozar. Motion carried. Nays: None.

Motion made by Pozar and seconded by Zolata to approve the minutes of the Budget Work Session November 13, 2012. The roll was called. Vote – Yeas: Koci, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Koci and seconded by Zolata to approve the minutes of the Master Plan Review Committee of November 14, 2012. The roll was called. Vote – Yeas: Koci, Pocek, Zolata, Batten. Abstain: Pozar, Saunders. Nays: None. Motion carried.

**RESOLUTION NO. 2464-12**, a resolution authorizing the Mayor to enter into an agreement for the construction of a central safety forces dispatch center to be known as the Southeast Emergency Communication Center (“SECC”) through the Southeast Regional Council of Governments (“SRGC”) in cooperation with the City of Bedford Heights and the City of Maple Heights and declaring an emergency placed on first reading October 15, 2012 and second reading on November 5, 2012 was read by title only.

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

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

Motion made by Pozar and seconded by Saunders to place Resolution No. 2464-12 on third and final reading and passed.

Mayor noted this resolution was to put this project in motion.

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

**ORDINANCE NO. 9015-12**, being an ordinance to make appropriations for current expenses and expenditures of the City of Bedford, Ohio during the year 2013 and declaring an emergency placed on first reading on November 5, 2012 was read by title only.

Motion made by Zolata seconded by Batten to place Ordinance No. 9015-12 second reading.

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

**ORDINANCE NO. 9016-12**, an ordinance amending Ordinance No. 8905-11 making additional appropriations for current expenditures of the City of Bedford, Ohio during the year 2012 and declaring an emergency placed on first reading on November 5, 2012 was read by title only.

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

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

Motion made by Pozar and seconded by Saunders to place Ordinance No. 9016-12 on third and final reading and passed.

Mr. Gambosi clarified the increases were for the following reasons: personal services hospitalization (\$250,000 more) and retro pay for AFSCME and police shift differential adjustments, prisoner sustenance, school mentoring program, Impact, and county auditor deductions. Funds 201-501 increases were for personal services hospitalization, retro pays, adjustment to special assessments on house repairs, fire equipment repairs, recycling magnets, solar testing capping wells, Egbert Road resurface, hospitalization claims and salt.

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

**ORDINANCE NO. 9017-12**, an ordinance amending Section 1311.29 entitled “General” of the Codified Ordinances of the City of Bedford and declaring an emergency placed on first reading on November 5, 2012 was read by title only.

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

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

Motion made by Saunders seconded by Zolata to place Ordinance No. 9017-12 on third and final reading and passed.

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

**ORDINANCE NO. 9018-12**, an ordinance providing for adoption of new matter in the Codified Ordinances of Bedford to approve, adopt and enact the 2012 replacement pages to the Codified Ordinances of Bedford, Ohio, hereinafter “Codified Ordinances”, to repeal certain ordinances in conflict with or deemed obsolete and declaring an emergency placed on first reading on November 5, 2012 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, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Pozar to place Ordinance No. 9018-12 on third and final reading and passed.

Mr. Schuman explained this was an annual housekeeping issue, which allowed him to proceed in court as what was necessary.

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

Mayor Pocek presented the Bedford Falls Proclamation to Dot Schwende proclaiming November 24, 2012 one of Bedford's special days.

No report from Henry J. Angelo, City Manager.

No report from Ken Schuman, Law Director.

No report from Frank Gambosi, Finance Director.

No report from Councilman Pozar.

Councilman Saunders thanked the Service, Fire and Police Departments again for their efforts during Hurricane Sandy. He thanked the Service Department for the hard work in clearing the streets after First Energy removed the electrical wires from the hurricane damage. He explained if a homeowner's power lines were disconnected from their home during a storm, First Energy would not reconnect the wires until the homeowner arranged to have the meter box and accessories installed. He was pleased with the safety forces and the great services they provided. He wished everyone a Happy Thanksgiving.

Councilman Batten was very pleased with the turnout of the Salvation Army dinner. There were 253 dinners sold for this much needed event.

Councilman Koci wished everyone a Happy Thanksgiving. He announced the Fire and Police Appreciation Dinner was this past Saturday at the Eagles Club. Mike Millet and Val Closs were honored this year from the Fire Department and Police Department. Steve Karhan was the Police Department employee of the year. The Eagles donated \$5,000 to each department to use for items that could not be purchased through the budget, \$2,000 to the food bank and \$2,000 to the Historical Society. November 30, 2012 was the next FriDates concert performed by Lisa Malyuk, Eclectic Folk Music, at the Old Church on the Square. He urged everyone to take down their political signs.

Councilwoman Zolata praised Mr. Batten for all his hard work for the Salvation Army dinner. The proceeds were donated to the Salvation Army. She thought the Service Department did a great job decorating the downtown area. She wished everyone a Happy Thanksgiving. Bedford residents had a lot to be thankful for. She announced Christmas in Bedford Falls was November 24, 2012. She offered prayers to Councilwoman Mizsak.

Mayor Pocek added the Tree Lighting event was Wednesday, November 21, 2012 at 6:00 p.m. and the Bedford Falls event was Saturday, November 24, 2012 starting at 2:00 p.m. to 7:00 p.m.

**RESOLUTION NO. 2465-12**, strongly opposing the passage of HB 601 by the Ohio General Assembly which proposes uniformity measures for Municipal Income Tax in the form of unfunded mandates and a substantial loss of revenue and declaring an emergency was read by title only.

Motion made by Koci and seconded by Pozar for passage of Resolution No. 2465-12.

Mr. Schuman explained this House Bill was a major infringement upon Home Rule and this would cost the City of Bedford an additional estimated loss of revenue of \$1,350,000.00 from future net profit taxes annually (based upon a five year carry forward net profit tax approval by the legislature). The Local Government Fund has already resulted in a loss of \$330,000.00 annually in revenue for the City of Bedford. The Estate Tax would result in a loss of \$168,000.00 annually in revenue for the City of Bedford. The accelerated phase-out of promised reimbursement for the loss of revenues due to the repeal of the Tangible Personal Property Tax has resulted in a loss of \$462,672.00 annually in revenue for the City of Bedford and the devaluation of real estate occurred in 2012, and thus resulted in a loss of \$469,900.00 annually. He **strongly** urged everyone to **not** support any candidate who supported this bill. This bill destroyed any and every municipality. Council and the Administration strongly urged the residents to write: Armond Budish, the Democratic Representative for the 8th District of the Ohio House of Representatives, 77 South High Street 14<sup>th</sup> Floor, Columbus, OH 43215-6111 and John Barnes, the Democratic Representative for the 12<sup>th</sup> District of the Ohio House of Representatives, 77 South High Street, 10<sup>th</sup> Floor, Columbus, OH 43215-6111.

Mr. Gambosi explained the enormous amounts of money the City was going to have to spend in postage and traveling that was going to be required. There were 68 different types of items in this proposal which many of them were negative to all the cities.

Mr. Pozar couldn't understand how such a horrible thing became to be in motion. The people involved were not taking into consideration the "ripple effect" of House Bill 601 down the road. He talked about the vicious circles the Federal, State and City Governments dealt with. He urged everyone to contact their State Representatives because this was going to affect their "local brass roots".

Mr. Saunders stated the facts was that if this amount of money was taken out the Bedford's budget then the residents were going to see their services disappear. The staff was lean already and the City was going to suffer. He advised everyone to contact the Representatives.

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

**RESOLUTION NO. 2466-12**, a resolution authorizing the City Manager of the City of Bedford to enter into a contract on behalf of the City of Bedford with the General Health District of Cuyahoga County for health services for the year 2013 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 resolution on three different days.

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

Motion made by Batten seconded by Zolata to place Resolution No. 2466-12 on third and final reading and passed.

Mr. Angelo noted this was an annual contract and Bedford was certainly lower at \$3.84 compared to Summit County of \$10.49 and Dayton/Montgomery County of \$32.53 per capita based on population. They provided services to the City regarding problems with bed bugs, cockroaches, infestations and so on.

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

Motion made by Koci seconded by Zolata to accept the recommendation of the Planning Commission for the Audi Dealership of November 7, 2012.

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

Motion made by Saunders seconded by Koci to accept the recommendation of the Planning Commission for the Mercedes Dealership of November 7, 2012.

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

Motion made by Zolata seconded by Batten to accept the recommendation of the Assessment Equalization Board of November 14, 2012.

The roll was called. Vote – Yeas: Koci, 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.

Ray McFarland, 171 Williams Street, read the Ohio Lottery gave monies to the schools. It was determined the lottery distributed these funds to all the schools in Ohio for computerization only. There were over 600+ school districts in Ohio.

Jean Sapir, Southeast Public Library, 70 Columbus Road, listed several programs. (see attached)

Maria Prentiss, 123 Gould Avenue, spoke on behalf of the Recreation Director Randy Lewis regarding his possible return to work after retirement. She asked Council and the Administration to reconsider their decision and to hire him back because he did such a great job. There were other departments (Police, Fire, Court and most recently Finance) that allowed some of their employees to return to work after retirement. She thought allowing him or anyone to return spoke volumes about the employees and the City itself. Mr. Angelo invited her for a personal chat regarding this issue. It was not the habit to discuss personnel issues in public. (see attached)

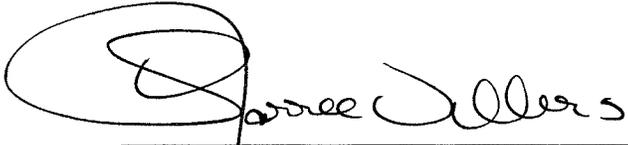
Ray McFarland, 171 Williams Street, also noted it was a pleasure to work with Mr. Lewis.

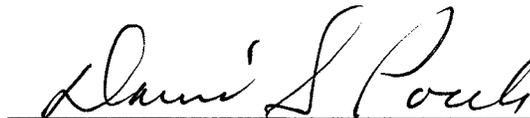
Donald Navratil, 907 High Street, also spoke highly of Mr. Lewis. He urged the decision makers to reconsider.

Mr. Pozar stated the Administration and Council did not discuss personnel issues in an open meeting. The Charter allowed the City Manager to make these types of decisions. If Council did not see fit to overrule the City Manager's decision then the decision, would "stand" as per the City Manager's doing.

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, Pocek, Pozar, Saunders, Zolata, Batten. Nays: None. Motion carried unanimously.

Meeting adjourned at 8:43 P.M.

  
Clerk of Council

  
Mayor – President of Council