COUNCIL WORK SESSION
MONDAY, MARCH 4, 2013

6:15 P.M. PROMPT

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- **EXECUTIVE SESSION** – land acquisition/personnel (Council Only)
- **DISCUSSION OF AGENDA**
- **DISCUSSION OF 2013 FIREWORKS**

Bedford, Ohio March 4, 2013

Bedford City Council met in a Work Session at Bedford City Hall on Monday, March 4, 2013 at 6:20 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Donald Saunders, Paula Mizsak, Marilyn Zolata. Also Present: Clerk of Council Lorree Villers. Administration: Acting City Manager Mike Mallis, Finance Director Frank Gambosi, Law Director Ken Schuman, Finance Department Jon Lindow. Absent: Greg Pozar. Guest: Tim Tench.

At 6:22 p.m., Bedford City Council, Acting City Manager Mike Mallis, Law Director Ken Schuman went into an executive session to discuss litigation. The personnel portion of the executive session was for Council members only.

At 6:55 p.m., Council adjourned the executive session.

Mayor Pocek started the agenda topics for discussion.

Mayor Pocek asked if anyone had any questions regarding the February 19, 2013 Work Session minutes, the February 19, 2013 Regular Council minutes or the February 20, 2013 Master Plan Review Committee minutes. Council did not have any corrections.

Ordinance No. 9052-13 was an ordinance amending Ordinance No. 8940-12 Pay Range for the Purchasing Clerk. Mr. Mallis and Mr. Schuman explained there were several options in filling this position which had been previously discussed with Mr. Angelo. After Mr. Angelo had considered the options, he informed Mr. Schuman, Mr. Mallis and Mr. Gambosi that he had decided it was best to hire a new employee through interviewing process. Mr. Schuman, Mr. Mallis and Mr. Gambosi disagreed with Mr. Angelo and thought there could be a better less expensive alternative by either: 1) splitting the purchasing clerk position duties between an AFSCME union employee Tesa Smith and a non-union employee Debbie Parina who both would be compensated with a pay increase. He felt using an AFSCME union member could pose concerns, or 2) give the part-time work load to Debbie Parina for a $3 per hour increase. Per Mr. Schuman, the previous purchasing clerk position made approximately $21,000 a year and even with a $6,000+ pay increase to Mrs. Parina; it would be a savings of $15,000. There was discussion as to who would back up the position when Mrs. Parina was not at work. Mr. Schuman noted it would be the same person as it has always been, Mrs. Hollo. He said to avoid union problems it would be best to not use someone in the union. Mr. Gambosi was willing to oversee the process if need be. He thought if Mrs. Hollo was to back up; it could become overwhelming for her.

Mr. Batten thought there could be a conflict if the employee performing the ordering/creating the invoice was the same person paying the invoices. Mr. Schuman didn't see it as a conflict but it would be best not to allow a union person to perform the duties. He didn't feel the $1 per hour pay increase Mr. Angelo offered Mrs. Smith and Mrs. Parina was adequate. Mrs. Mizsak questioned if the interviewing process had begun. Mr. Mallis said, yes, Mr. Angelo had started the interviewing process. Mayor Pocek suggested if Mrs. Parina took over the position, maybe she should be given a probationary period of 60 – 90 days to see if she could perform the duties. The idea was not to have overtime costs. Mr. Schuman and Mr. Mallis noted that they utilized Mrs. Parina when they had typing or odd duties that needed performed. Mr. Schuman suggested Council read this ordinance as a first reading this evening so Mr. Angelo would have an opportunity to explain his thoughts at the next meeting. Mr. Schuman, Mr. Mallis and Mr. Gambosi thought Mr. Angelo should give Mrs. Parina a chance to perform her full-time position and the part-time position to see if it could be done adequately.

Ordinance No. 9053-13 was an ordinance authorizing the City Manager to apply for 2013 CDBG funds from Cuyahoga County Department of Development for the Union Street Enhancement Project. Mr. Mallis felt Bedford would have a very good chance at these funds because of the high scoring. The funds would be used to repair and beautify the Union Street area. The road would be resurfaced from Northfield Road to Broadway Avenue, the bridge would get a face-lift and new signage would be installed. There was discussion that this area would also be perfect for a bike path. Mr. Saunders reminded everyone that a bike path had to be ten foot wide. Mr. Mallis had discussions with Chuck Miller at Doty & Miller and Joe Ciuni who both thought this was a good opportunity.

Ordinance No. 9054-13 was an ordinance to levy assessments for delinquent water bills in the City of Bedford. Mr. Gambosi explained this was a bi-annual assessment process. The next assessment would be in September. Council briefly reviewed the list and noticed that a lot of the homes were vacant.

Ordinance No. 9055-13 was an ordinance repealing Chapter 147.04, entitled "Purchase Orders". Mr. Schuman said the City already had a policy in place that addressed the purchasing process which the State overrode anyhow. Repealing Chapter 147.04 was basically a housekeeping issue. Mr. Gambosi explained this was changed by the Charter Review Committee in 2000 so he agreed Chapter 147.04 needed to be repealed.

Ordinance No. 9056-13 was an ordinance authorizing change order #2 for the WWTP Equalization Basin Improvements in the amount of $13,019.39. Mr. Mallis listed the following items that needed to be addressed in this change order as: a $5,005 cost for an oil reservoir connection, a cost of $3,427 for a weep hole/check valve rehabilitation investigation, $4,587.39 for the electrical repairs to the motor control center. Everyone hoped this would be the last request for these improvements.

Resolution No. 2467-13 was a resolution strongly opposing House Bill 5 uniformity measures for Municipal Income Tax. Mr. Gambosi noted HB 5 mirrored HB 601. There were not a whole lot of changes or difference between the two (2) bills. Either way, the cities were going to pay the price. Bedford has experienced a loss of $1,269,000+ over the past three (3) years out of the personal property tax. Council felt most of the people involved in the creation of this House Bill did not really understand the negative affect it would have on every community.

Tim Tench was present this evening to discuss a few ideas regarding the 2013 fireworks. He was torn over the issue just like everyone else as he voiced his concerns and opinions. He suggested Bedford hold the fireworks display but keep it a secret from everyone and maybe the trouble makers would not find out. Council and the Administration did not agree. Mr. Tench did not get approval from the school whether the fireworks could be displayed from the Bedford High School grounds. He was not certain of the rules and regulations regarding the size of the fireworks and the safety distance from the surrounding homes even after talking to Fire Chief Nagy. With the uncertainties, the issue could not be considered with a total understanding of the safety issues and school approval. There were no hard facts to form an opinion or make a decision. Even though Mr. Pozar was absent, Council took into consideration his suggestions and opinions; Mr. Saunders too was in agreement with Mr. Pozar. Mr. Schuman said he was originally very much in favor of keeping the fireworks until he heard the stories of what had happened at the event in 2012. He understood there was no way to control this type of overwhelming crowd. Council felt with surrounding communities cancelling their fireworks, the Bedford event could be very overwhelming. They were guessing a crowd 2 – 3 times its normal size; the crowd could be a count near 10,000 people. This was not a size crowd Bedford with all of its safety forces (police and fire) present could control. Even with additional hired police officers, it could still be overwhelming. Everyone agreed society was not the same as it used to be; times had changed. There was discussion as to how it had previously been handled but Council did not have a commitment from Bedford High School. It was determined the fireworks needed to be cancelled for the year 2013; however, it would be discussed for 2014. Council and the Administration were not saying that Bedford would "never" have

fireworks again – it just wasn't going to happen in 2013. Mayor Pocek said he would inform everyone tonight at the Regular Council meeting. It was important to maintain the "Quality of Life" in Bedford so other options would be considered in 2013 for resident entertainment.

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

Clerk of Council

Mayor – President of Council

REGULAR MEETING	BEDFORD CITY COUNCIL STATE OF OHIO	DATE: March 4, 2013
AGENDA	COUNTY OF CUYAHOGA	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 February 19, 2013
   b. Approval of Minutes of the Regular Meeting of February 19, 2013
   c. Approval of Minutes of the Master Plan Review Committee of February 20, 2013

5. **REPORTS**

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

6. **NEW BUSINESS**

   a. Ordinance No. 9052-13 amending Ordinance No. 8940-12 Pay Range – Purchasing Clerk
   b. Ordinance No. 9053-13 authorizing the City Manager to apply for 2013 CDBG funds from Cuyahoga County Department of Development for the Union Street Enhancement Project
   c. Ordinance No. 9054-13 to levy assessments for delinquent water bills in the City of Bedford
   d. Ordinance No. 9055-13 Repealing Chapter 147.04, entitled "Purchase Orders"
   e. Ordinance No. 9056-13 authorizing change order #2 for the WWTP Equalization Basin Improvements ($13,019.39)
   f. Resolution No. 2467-13 strongly opposing House Bill 5 uniformity measures for Municipal Income Tax

7. **HEARING OF CITIZENS**

8. **ADJOURNMENT**

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

Bedford, Ohio March 4, 2013

Bedford City Council met in Regular Session at Bedford City Hall on Monday, March 4, 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: Zolata, Batten, Koci, Mizsak, Pocek, Saunders. Absent: Pozar.

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

Motion made by Mizsak and seconded by Zolata to approve the minutes of the Work Session of February 19, 2013. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizsak, Pocek, Saunders. Nays: None. Motion carried unanimously.

Motion made by Koci and seconded by Zolata to approve the minutes of the Regular Meeting of February 19, 2013. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizsak, Pocek, Saunders. Nays: None. Motion carried unanimously.

Motion made by Mizsak and seconded by Saunders to approve the minutes of the Master Plan Review Committee of February 20, 2013. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizsak, Pocek, Saunders. Nays: None. Motion carried unanimously.

No report from Acting City Manager, Mike Mallis.

No report from Law Director, Ken Schuman.

No report from Finance Director, Frank Gambosi.

Mayor Pocek stated after several months of debates and discussions, Council had deemed the City of Bedford would not be having the traditional fireworks display this year. The primary reason was the surrounding communities had either cancelled their fireworks or never had them. The anticipated crowd would be three (3) times larger than the normal size. The crowd would be overwhelming and would be extremely difficult to control with the limited Officers. He stressed it was not an easy decision.

Councilman Saunders thanked Mr. Angelo for his efforts in getting the street lights fixed by First Energy. He noted the Service Department plowed around the parked cars on the City streets during a snow ban again. He said the Service Department needed to call these illegal parked cars into Dispatch to have them ticketed. The street was not an extension of the driveways.

Councilwoman Mizsak noted she had a couple phones calls regarding the 8-12 deer that were not culled recently. She wanted to know what could be done about the extra deer. She mentioned there was a resident with several ferial cats that she asked if the Animal Warden could investigate. She said she had spoken to Service Director Bellar to fix the yards that had been slightly damaged by the snow plows.

Councilwoman Zolata reported as a Trustee of the Historical Society Reverse Raffle that the function was very successful. She thanked everyone for their donations and participation. The Historical Society was one of the "jewels" of Bedford. She talked about Mayor Lansky's newspaper article with complaints about First Energy's performance.

Councilman Koci bragged about the FriDates ongoing event that has been growing in numbers. He welcomed everyone to wear green for St. Patrick's Day and attend the Old Church to listen to Irish music.

No report from Councilman Batten.

The Mayor explained to everyone in the audience about the previous complaint from Mr. O'Neil (who was present) about the signal light that was malfunctioning. The entire loop had to be addressed to fix the issue so it was on the list to be fixed.

ORDINANCE NO. 9052-13, an ordinance amending Ordinance No. 8940-12 passed March 5, 2012 as subsequently amended and declaring an emergency was read by title only.

Motion made by Mizsak seconded by Saunders to place Ordinance No. 9052-13 on first reading.

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

ORDINANCE NO. 9053-13, an ordinance authorizing the City Manager to apply for fiscal year 2013 Community Development Block Grant funds from the Cuyahoga County Department of Development for the Union Street Enhancement Project and declaring an emergency 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: Zolata, Batten, Koci, Mizsak, Pocek, Saunders. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Saunders to place Ordinance No. **9053-13** on third and final reading and passed.

Mr. Mallis explained this was an annual grant offered through Cuyahoga County for selected projects. This grant would be used for Union Street resurfacing, bridge repairs and signage starting at Broadway Avenue to Northfield Road. He noted the Master Plan Review Committee was also in favor of this project.

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

ORDINANCE NO. 9054-13, an ordinance to levy assessments for delinquent water bills in the City of Bedford, Ohio and declaring an emergency 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: Zolata, Batten, Koci, Mizsak, Pocek, Saunders. Nays: None. Motion carried unanimously.

Motion made by Mizsak seconded by Saunders to place Ordinance No. **9054-13** on third and final reading and passed.

Mr. Schuman explained if a resident had not paid their water bill, this allowed the City to assess the property owner in order for the bill to be paid when the home was sold. Mr. Gambosi commented this process was done twice a year. The next assessment would be addressed in September of this year. Mr. Saunders commented as a point of interest that the City of Cleveland instituted their minimum water bill

costs at $18.00. The other communities that were also contracted to use Cleveland water were upset with the recent water rate increase cost. He noted this was not out of the ordinary for cities to do this collection process. Mrs. Zolata pointed out most of these homes were vacant.

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

ORDINANCE NO. 9055-13, an ordinance repealing Section 147.04, entitled "Purchase Orders" of the Codified Ordinances of the City of Bedford 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: Zolata, Batten, Koci, Mizsak, Pocek, Saunders. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizsak to place Ordinance No. **9055-13** on third and final reading and passed.

Mr. Schuman explained this was basically a housekeeping issue. The City currently had its own policy.

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

ORDINANCE NO. 9056-13, 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 Koci seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days.

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

Motion made by Mizsak seconded by Saunders to place Ordinance No. **9056-13** on third and final reading and passed.

Mr. Mallis explained the improvements included: Oil reservoir connection [$5,005], a weep hole/check valve rehabilitation investigation [$3,427] and electrical repairs to motor control center [$4,587.39]. The increase total was $13,019.39. Mr. Gambosi explained the overflow of storm water needed to be treated before the water could be released from the equalization basin. Mrs. Mizsak asked if the funds were in the reserve to pay this additional cost. Mr. Gambosi said this was part of the fund balance but the funds that were borrowed had been exceeded to do this project over the last three (3) years.

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

RESOLUTION NO. 2467-13, a resolution strongly opposing the passage of HB 5 the Ohio General Assembly which proposes uniformity measures for Municipal Income Tax in the form of unfunded mandates and substantial loss of revenue and declaring an emergency was read by title only.

Mayor Pocek gave everyone an opportunity to speak on this Resolution and the horrific consequences that could happen to Bedford if HB 5 was passed by the Ohio General Assembly.

Mr. Gambosi noted there were 68 points that would affect the City but the few major points were: **1)** was the net operating losses paid by every company who made money throughout each and every year. The company would pay its taxes on the money earned and if the company had a loss, it would not pay taxes. HB 5 allowed every company to pay their portion of taxes every five (5) years, which would be a loss of $350,000 per year. In the past, the City received approximately $3 million dollars per year. **2)** the items that affected the residents individually were the estimates that would be required and would not be an option which would have to be paid ahead of time. The residents would have to pay four (4) installments before the year end, otherwise, there would be penalties and interest assigned. These fees would have to be paid before the next tax year. **3)** Bedford would have no control on how the taxes would be administered or how it would be carried forward. The seven (7) member board appointed by the Governor would control all aspects on how income taxes would be levied for all cities in the State of Ohio. The problem with this was it allowed the State to take the powers away from every city's Administration, Council and the residents. The proposed laws were bundled as one item. The city either accepted all or none. There was no way to pick and choose. The income tax collection in the City of Bedford was $10 million dollars out of the $15 million budget. He stressed the State did not actually understand the impact to each individual city. The laws were being changed to appease 2% of the businesses who were affected; sometimes being the very large companies.

Mayor Pocek explained there had been several cuts across the board; one after the other. Bedford had lost $1,269,000 over the past three (3) years out of one revenue source of personal property tax. The State had an $8 billion dollar deficit three (3) years ago; now the State has $2 billion dollars in a "rainy day fund" which further cut the local government fund. The State's actions were ridiculous and it was time to start balancing the budget.

Mr. Saunders explained what the State of Ohio/Ohio General Assembly failed to understand was not all businesses in other states across the country worked off of local incomes. Some of the states worked off of sales taxes. Some of the sales taxes were 2-3 times more than the income tax revenues. The idea of uniform tax forms was one issue but to affect the bottom line budget was a different issue. Bedford's income tax was allocated for certain areas of the budget and the State/Ohio General Assembly was virtually telling Bedford what to do as if they knew better than the City itself. He stressed everyone should express their concerns to the State Representatives and Senators because HB 5 would destroy a lot of the communities and their Quality of Life. It was going to get to the point where a lot of the cities were not going to be able provide the current services to the residents.

Mrs. Zolata suggested a letter be provided to the residents. Mayor Pocek thought the Resolution spoke clearly on the issue.

Mr. Gambosi noted the one (1) WHEREAS needed to be amended to remove the section that spoke to the schools.

Motion made by Saunders seconded by Mizsak to amend the section of the Resolution that spoke to the $462,000 figure pertaining to the Bedford Schools.

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

Motion made by Saunders seconded by Mizsak to place Resolution No. **2467-13** as amended on third and final reading and passed.

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

Beth Housiaux-Steward, 93 Avalon Avenue, was very pleased with the final outcome of the "Lights out for hunger" donations. She personally thanked everyone for their efforts. She said hunger has increased all over and not just in Bedford. The need was very great in order to feed the people in need. She appreciated everyone's support.

Jim O'Neil, 155 Gould Avenue, suggested a blurb be placed in the utility bill with the information for the residents to send the residents' opinion regarding the opposition of HB 5. Mr. Gambosi and Mr. Mallis would create the information for the residents.

Joyce Daunch, 86 Harriman Street, reported the successful FriDates program would incorporate a story teller who was very entertaining on April 5, 2013. The FriDates events had increased in attendance since the first concert took place. This program was showing the visitors what Bedford had to offer. Over 50% of the attendees were from outside of Bedford.

Tim Tench, 286 Marion Drive, noted the City and the Schools were on the same page regarding HB 5. He understood the reasons behind the decision of Bedford not displaying the fireworks this year. He thanked Council and the Administration for their time. He invited everyone to come see the play – Grease, on March 22, 23, and 24th. He asked if the Bedford Schools could place a blurb in the utility bill regarding the Special Olympics at the school. He asked for everyone's support.

Helen Briggs, 149 Grand Boulevard, explained the incident she had regarding the dead skunk at her home side door. She was surprised to find out that the part-time Animal Warden was not in business to remove a dead animal, especially being a situation like this. She was told by Mr. Angelo to double bag the skunk and dispose of it in her weekly rubbish. This incident happened on Wednesday and she had to wait a full week to dispose of the dead skunk. She knew the City had an Animal Control employee so she thought something like this would have been taken care of. The odor was "stunning" and she had problems eating and sleeping in her home for a whole week. She pointed out Bedford had a lot of elderly residents and questioned if they would be expected to dispose of a dead animal in their rubbish. Mr. Schuman said he would discuss this issue with Mr. Angelo. He felt the City would not expect the elderly to dispose of a dead animal of this size. It was noted the Animal Warden served Bedford and Bedford Height areas.

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

Mayor Pocek reminded Council that the Work Session would reconvene in ten minutes.

Meeting adjourned at 8:39 P.M.

Clerk of Council

Mayor – President of Council