

COUNCIL WORK SESSION

MONDAY, JUNE 10, 2013

6:00 P.M. PROMPT

DINNER WILL BE SERVED

- **DISCUSSION OF AGENDA**

- **DISCUSSION OF BOARDS & COMMISSIONS RE-APPOINTMENTS**
 - Tim Dardy, Board of Building Standards and Appeals (expires 8/18/13)

- **DONATION BOXES**

- **6:45 P.M. - MARKETING PROGRAM**
 - Impact Group – Krista Rodriquez and Nathan Mellor

- **7:00 P.M. - PROPOSED CEMETERY MONUMENT**
 - Syed (Sid) Rahman, Bait-ul-ahad Mosque, Center Road

- **EXECUTIVE SESSION - Personnel**

Bedford, Ohio

June 10, 2013

Bedford City Council met in a work session at Bedford City Hall on Monday, June 10, 2013 at 6:00 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizensak, Greg Pozar, Don Saunders. Administration: City Manager Henry Angelo, Finance Director Frank Gambosi, Clerk of Council Pro-Tem Michelle Hollo, Economic Development Director Mike Mallis, Service Director Clint Bellar, Jon Lindow. Absent: Law Director Ken Schuman.

Mayor Pocek stated that Ken Schuman had last minute depositions for litigation.

Mayor Pocek read a letter from Bedford Municipal Court indicating that adjustments were made to records and \$143,193 would be returned to the City of Bedford.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Council had no amendments to the minutes of the May 6, 2013 Work Session and May 6, 2013 Regular Meeting which were tabled on May 20, 2013. Council had no amendments to the minutes of the May 20, 2013 Work Session, May 20, 2013 Public Hearing and May 20, 2013 Regular Meeting.

Ordinance No 9078-13 is certifying costs associated with Police response to 40 Talbot Drive. Mr. Lindow reported we have previously certified costs on this property 5 times from 2011 through 2013.

Ordinance No. 9079-13 is a contract with Kemira Water Solutions for liquid ferric chloride that is used at the waste water treatment plant. It is purchased on an as needed basis.

Ordinance No. 9080-13 is the renewal of a one-year contract with Gardiner for HVAC preventative maintenance. Mr. Angelo stated that Tony Romito is satisfied with their work and recommends renewing the contract. The contract price would remain the same. Gardiner's work involves preventative maintenance such as servicing drives and belts and also minor repairs. Mr. Romito cleans the units. Gardiner is working with Mr. Romito on suggestions for energy savings costs with the boiler system and necessary HVAC upgrades. Mr. Mallis said that the boiler unit is no longer covered under warranty, but some of the parts are.

Ordinance No. 9081-13 is a one year contract with Impact Group Public Relations Marketing Communications to continue marketing services for the City of Bedford. This ordinance will be discussed further at 6:45 p.m. when representatives from the Impact Group will be present to address Council.

Ordinance No. 9082-13 is amending the fence ordinance pertaining to fences on corner lots. The ordinance states that corner lots are not permitted. The Administration would like Council to change it so the City Manager has authority to approve a fence on a corner lot upon recommendation from the Building Commissioner and Police Chief. Mr. Angelo said there are currently numerous fences and hedges on corner lots throughout the city. A resident has submitted an application to the Board of Zoning Appeals to consider granting a variance to permit a fence on his property. The Administration is in agreement that as long as a fence or hedge (living fence) does not block the line of sight for vehicular and pedestrian traffic, the City Manager could approve the fence.

Mr. Mallis explained that the resident took down his bushes which were overgrown with the intention of putting up a fence. When he went to the Building Department to obtain a fence permit, he was informed fences are not allowed on corner lots. Mr. Mallis located nine properties in this area with corner fences. Mr. Mallis stated corner lot fences and living fences have not been allowed since the ordinance was changed in 1999 or 2000. This case has brought the Administration to revisit this prohibition. Members of Council spoke of properties in their wards: Best/Paul, Forest/Oakwood, Ellenwood/Center. Mr. Mallis explained that if a fence or hedge was put in prior to 1999, it is not in violation because it was permitted at the time.

Discussion held on the restriction of waiving case by case. Mr. Mallis stated it is a line of sight issue which is a safety issue. It would not solely be the decision of the City Manager. There would be input from the Police Chief and Building Commissioner.

Mr. Angelo will check with Mr. Schuman to make sure a public hearing is not necessary to amend this section of the zoning code.

Council decided to clarify the amended language in the legislation to include living fences are classified as a fence. The amendment of the floor will state "On corner lots, no fence, **living or structure**, is permitted in side yards abutting the intersecting street unless approved in height and distance by the City Manager with recommendations from the Building Commissioner and Police Chief.

Ordinance No. 9083-13 is authorizing additional work with Don Mould's Plantation for the Bedford Automobile Enhancement Project. The cost of the additional work is \$10,315.01. Mr. Angelo explained this additional work was done to meet the date for the unveiling of the signs. Mr. Angelo also stated they are looking into the cost of outlining the lettering (Historic Bedford) at the top of the sign in black.

Ordinance No. 9084-13 is a contract with Nerone and Sons for improvements to the Archer Road Pump Station in the amount of \$76,572.00. Mr. Angelo stated these pumps were last rehabbed in 1984-1985. There is currently a problem in which they are not closing and there is leakage. Inquiry made as to the feasibility of putting the septic systems in that area into the Archer Road pump station. Mr. Angelo recommended against putting them into the pump station.

Ordinance No. 9085-13 is a contract with Nerone and Sons for the Wastewater Treatment Plant Electric Service Monitor Project in the amount of \$21,997.00. Mr. Angelo stated this is a necessary preventative measure because the plant has been experiencing surges. The monitoring system would assist the City receiving reimbursement from First Energy. The surges have costs thousands of dollars. Surges have affected the sand filter system, pumps and other electronics but the City could not prove it and was responsible for all of these costs.

There is a motion for Council to reject the Commercial Water Meter Replacement Phase 2 bids. The bidders failed to complete the bid forms properly and Mr. Schuman, Mr. Montello and Steve Schreiber recommended the bids be rejected and the project re-advertised.

Discussion of the Regular Meeting agenda was concluded.

Discussion of Boards & Commissions Re-appointments

Tim Dardy's term as a member of the Board of Building Standards and Appeals expires August 18, 2013. Mr. Pozar spoke with Mr. Dardy and he is interested in continuing to serve for another term.

Donation Boxes

There currently is no ordinance regulating these donation boxes which are located throughout the city at day cares, gas stations, grocery stores, etc. The Administration is asking Council for their input regarding future legislation to regulate. Council is interested in further discussion. Mr. Angelo, Mr. Schuman and Mr. Mallis will work on draft legislation for future discussion.

Marketing Program

Krista Rodriquez and Nathan Mallor from the Impact Group in attendance to speak with Council about Ordinance No. 9081-13, a one year contract with Impact Group Public Relations Marketing Communications to continue marketing services for the City of Bedford. Mr. Angelo stated the Impact Group contract needs to be renewed. Mr. Angelo and Mr. Mallis went through the contract, made changes to the scope and renegotiated the price to \$3,800 a month.

Mrs. Rodriquez stated this past year they mainly worked on updating pieces such as the newsletter, utility stuffer and senior guides and worked on press releases and communicating with reporters/media. Impact was able to get reporters from TV stations and the Plain Dealer to cover a few items this past year. They have also redone the business and resident guides and these will be ready soon. An inquiry was made regarding the page about the Southeast YMCA in the senior guide and the YMCA relocating to Warrensville Heights. Mrs. Rodriquez stated that as information becomes dated, they will change it.

Mr. Mallis stated Impact has taken our current pieces and has updated and redesigned them. They have made them more attractive and enticing. Our website was updated and revamped and our e-news and email blasts are catching on with our residents. To do what Impact Group does, the City would need to hire an employee with benefits to do the job as well as Impact Group is doing. With the Impact Group there is a team consisting of Tom Speaks, Krista Rodriquez and Nathan Mallor.

Discussion held that Council would like to see Impact Group go past retention and begin marketing outside of the city and get word out what we have here in Bedford.

There was discussion pertaining to inaccuracies in the last newsletter and proofreading. Mrs. Rodriquez suggested Council members look over the final draft, especially their submissions, to ensure accuracy. Mr. Angelo would provide council copies via hard copy or email. Mr. Mallis stated that Impact Group can only work with what is submitted to them and everyone would need to do a better job submitting information by deadlines so information is not dated.

Discussion held regarding the Bedford Advantage banners that the words "Heritage, Location, Innovation" cannot be seen. The lettering needs to be bigger and bolder or a different color background.

Mrs. Rodriquez spoke about constant contact program / email blasts. Impact Group is able to measure actions such as how many are opened and forwarded. Our open rate is currently above where the average municipality is. Recent email blasts have been about the Rib Fest and Chalk Art Day.

Mrs. Rodriquez spoke of the customer service training held earlier this year. She commented there are great people working for the City and she felt the employees got a lot out of the training. Mrs. Rodriquez recommended having training for new employees and a refresher session.

Cemetery Discussion

Sid Rahman and Dr. Ali, representing Bait-ul-ahad Mosque on Center Road, were in attendance to speak with Council about their proposed cemetery monument.

Mr. Rahman stated he has been a member of the Bedford Mosque since 1986. He is very proud of the Mosque and the members have been excellent citizens of Bedford. The Bait-ul-ahad Mosque purchased a large number of plots in the Bedford Cemetery for the members so they could be buried amongst friends in a designated area. They looked at what was available at the cemetery. There was an undeveloped tract and they purchased it and developed 100 plots. Two or three members are already buried there.

Mr. Rahman did not see any prohibition in the cemetery regulations and put up a sign to designate the area. The sign cost \$2,000. Mr. Angelo was out of town at the time he put up this sign. The Service Director took it down, but Mr. Rahman did not know that so he made a police report. There was not a courtesy phone call or any type of contact made that the sign was taken down. Mr. Rahman decided not to pursue this because he did not want to fight City Hall.

Mr. Rahman said that Mr. Angelo assured he could have a granite monument. He reviewed different designs. Mr. Rahman met with Mr. Angelo and gave him a copy of the proposed monument to make sure it would be okay. He was informed by Mr. Angelo there was objection by one of the Council members. Mr. Rahman is not aware of any controversy, concerns or trouble with the Bedford Mosque. Mr. Rahman stated there is a designated Muslim area in another cemetery, Resthaven, located in Avon. There are 1,000 plots and a granite monument designating a Muslim community. Resthaven is a privately owned cemetery.

Discussion held that Bedford Cemetery is a non-denominational cemetery run by the City. Mr. Rahman read the code (regulations) and there is no mention in any ordinance or regulations that the cemetery is non-denominational. There is nothing mentioned in the sign code for business districts.

Mr. Pozar stated he objected to the way Council was given the request, it has nothing to do with the Mosque. The cemetery rules were just given to Council when presented with the drawing to designate 100 plots in the cemetery as a Muslim section. It could have been a request for a Catholic or Jewish section. This would have raised an eyebrow in these cases too. It was also being given the indication this would be alright.

Mr. Pozar inquired if the Director of Public Service submitted a written request for the large purchase. Mr. Bellar responded the previous Superintendent of Public Works, Bob Duber, submitted it in writing to Mr. Angelo. Bob Duber oversaw the cemetery at that time. Mr. Pozar stated this is the first time he heard of it. Mr. Bellar stated Council was informed when this purchase was made. Mr. Bellar said the purchase of ten lots is not unusual and has been done. The purchase of 100 lots is not usual and had not been done before.

Mr. Pozar stated no monument signs are approved unless in writing, it is in the rules.

Mr. Pozar stated the issue is we would be creating a section to represent a denomination or a sect. Mr. Rahman replied that no other religion has asked the City to purchase plots. Sections of a cemetery can be bought and the cemetery is still non-denominational. It is not the entire cemetery, just a small section. Mr. Bellar stated the 100 plots in that section is not the complete section. There are still 600 plots in that section of the cemetery. Mr. Bellar stated that any signage must be approved and that is why the City removed the sign Mr. Rahman had put up. Mr. Rahman stated that Mr. Angelo assured him they could

have a monument or tomb, not a sign. Mr. Angelo stated this is not a Council decision, it is the Director of Public Work's decision who works for the City Manager. This is an administrative decision. Mr. Pozar said the City Manager does not have the authority to tell them they can have a monument.

Councilman Koci commented the issue is delineating a section. Everyone buried in the cemetery is mixed up such as Catholic and Baptist. Mr. Koci is under the impression the cemetery is non-denominational. At first he was not keen about the monument only because of this impression of non-denominational. The City never had this issue before and never had designated sections.

Mr. Bellar said when the first sign was erected without permission, there was discussion with Mr. Angelo and Mr. Rahman of another solution. Mr. Angelo told Mr. Rahman to submit a drawing of a stone tomb or monument for review. Mr. Mallis explained that when Mr. Angelo was on vacation, he received a call from someone complaining about the verbiage of the sign. Mr. Mallis at that time was unaware of protocols and approval processes. The sign was removed because of the verbiage stating Muslim Community Cemetery. Councilman Batten inquired if Mr. Rahman put up that sign on his own without talking to City officials. Mr. Rahman replied it was a mistake on his part, he put it up without checking. It did not occur to him to check ordinances.

Councilman Saunders (referring to the cemetery regulations) stated no monument could be larger than 5 foot in length, no more than 2 graves and be on an actual grave. The regulations exclude content of what the marker would say. Mr. Saunders gathers they could have a marker as long as it is not longer than 5 foot. It would be on their own plots. Mr. Angelo explained we have exceptions already. There are monuments with no bodies in graves. Mr. Bellar said there are family monuments in the cemetery.

Mr. Rahman inquired if they could ask for a zoning variance. Mayor Pocek replied that would be a question for the Law Director.

Councilperson Mizensak said she viewed the area and as long as people know where family members are to be buried, she does not see a problem.

Mr. Rahman said the regulations state an appeal may be made to the City Manager and the City Manager shall render a decision within 20 days. Mr. Pozar replied this is setting a precedent, a change in flavor of what it allows. Mr. Pozar inquired of Mr. Rahman why Bedford Cemetery and not your own. Mr. Rahman responded they cannot build their own cemetery. They are a small community and not a wealthy branch. They are self supporting and can't go out and purchase land and get it zoned. Mr. Pozar inquired if it is tradition to be buried where the Mosque is. Mr. Rahman stated no, they are no different than other religions.

Mayor Pocek stated that he and the Vice Mayor see the problem as designating a section for a religious sect. Historically this is a non-denominational cemetery. We do not have a Catholic or Jewish section. Mayor Pocek feels it is a legal question.

Councilwoman Zolata stated she is proud to have the Mosque in the community and for them to have a section for people to be buried. In reading the regulations, it states the Service Director may prohibit if seen as objectionable. Catholics or Methodists may find the monument objectionable. To have the Mosque members buried in the cemetery is an honor, but a section not being advertised would be better for the City. Mr. Bellar explained that in the front of the cemetery there is a Gypsy section but there is nothing designating it as a Gypsy section. Mr. Rahman stated the veteran section is marked. Mayor Pocek explained we hold veterans in esteem and it is not a religion.

Mayor Pocek said it is not written, but assumed the cemetery is non-denominational and this is the disagreement. Council cannot give a legal interpretation without the Law Director and someone would contact Mr. Rahman.

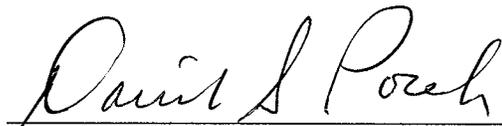
Work Session adjourned at 7:52 p.m.

At this time, Bedford City Council and Administration went into an executive session to discuss Personnel.

Executive Session adjourned at 7:59 p.m.



Clerk of Council Pro-Tem



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 May 6, 2013 – tabled May 20, 2013
- b. Approval of Minutes of the Regular Meeting of May 6, 2013 – tabled May 20, 2013
- c. Approval of Minutes of the Work Session of May 20, 2013
- d. Approval of Minutes of the Public Hearing of May 20, 2013
- e. Approval of Minutes of the Regular Meeting of May 20, 2013

5. REPORTS

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

6. NEW BUSINESS

- a. Ordinance No. 9078-13, certify to County Fiscal Officer costs associated with Police response to 40 Talbot Drive as said homeowner is in violation of Bedford's Criminal Activity Ordinance
- b. Ordinance No. 9079-13, contract with Kemira Water Solutions, Inc. for Liquid Ferric Chloride on as needed basis
- c. Ordinance No. 9080-13, contract with Gardiner for HVAC Preventative Maintenance Agreement for one year (\$5,996)
- d. Ordinance No. 9081-13, contract with Impact Group Public Relations Marketing Communications, Inc. for marketing services (\$3,850/per month)
- e. Ordinance No. 9082-13, amending Section 1953.03(d)(5) of the Planning and Zoning Code
- f. Ordinance No. 9083-13, authorizing additional work with Don Mould's Plantation for the Bedford Automobile Enhancement Project (\$10,315.01)
- g. Ordinance No. 9084-13, contract with Nerone & Sons, Inc. for the 2013 Archer Road Pump Station Improvements (\$76,572)
- h. Ordinance No. 9085-13, contract with Nerone & Sons, Inc. for 2013 Wastewater Treatment Plant Electric Service Monitor Project (\$21,997)
- i. Motion to reject the Commercial Water Meter Replacement Phase 2 bids

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 City Council met in Regular Session at Bedford City Hall on Monday, June 10, 2013. Mayor Pocek called the meeting to order at 8:08 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar.

Motion made by Mizensak seconded by Pozar to remove the Minutes of the Work Session of May 6, 2013 from the table. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Batten to approve the Minutes of the Work Session of May 6, 2013. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Saunders to remove the Minutes of the Regular Meeting of May 6, 2013 from the table. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to approve the Minutes of the Regular Meeting of May 6, 2013. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Batten to approve the Minutes of the Work Session of May 20, 2013. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Mizensak, Pocek, Pozar. Nays: None. Abstain: Koci. Motion carried.

Motion made by Mizensak seconded by Saunders to approve the Minutes of the Public Hearing of May 20, 2013. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Mizensak, Pocek, Pozar. Nays: None. Abstain: Koci. Motion carried.

Motion made by Zolata seconded by Batten to approve the Minutes of the Regular Meeting of May 20, 2013. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Mizensak, Pocek, Pozar. Nays: None. Abstain: Koci. Motion carried.

Mayor Pocek said that neither Mr. Schuman nor Mr. Montello could be here today. Mr. Montello has a meeting in Maple Heights and Mr. Schuman is involved in litigation even as we speak.

Mr. Angelo said on July 15th we will have a representative from the Metroparks talking about deer culling and management of the deer and how to deal with other wild animals. This will be held at 6:30 p.m. and there will be a notice in the water utility inserts. At the last meeting, Mr. Pozar had asked about the billboard that was supposed to be down within 3 to 4 weeks. The gentleman that owns the sign called him today and said he had a problem getting a lift but the sign will be down this week. Mr. Pozar had also requested information on outlining in black the electric signs that are on the monuments on the Automile. Mr. Mallis is getting a quote for that.

Mr. Angelo said that Mr. Mallis is working on a Muni Grant application that could be worth as much as \$150,000. Our deadline for that is June 14th as far as questions and submittals are August 10th. This would be a submittal based on ideas and input regarding infrastructure, streetscapes, public safety, seniors and police. If Council has any special interest or concerns, please talk to him or Mr. Mallis.

Mayor Pocek asked Mr. Angelo what was the situation with the streetlights. Mr. Angelo said last report there are 40 that we had and we still have a couple not fixed. According to our government rep, the majority of those, especially those that were broken on Broadway, the wires have to be removed from the last person before they will take those poles down. In those cases, he believes it is AT&T. As far as outages, the police still go around looking for us and they submit that directly to the government rep.

Mr. Angelo said this year we are looking at doing all the lights out in the parking lot with the LED lights. This will be a major cost savings and that will be from a NOPEC grant that we received and this will be the balance of what is left in the fund. The lights will be nice.

No report from the Finance Director.

Councilman Saunders said he would like to thank the Historical Society for a well-run festival this weekend. The preliminary results show that they did very well this year. The Car Show on Saturday night was probably one of the largest they have had. They had cars from Columbus Road all the way to Franklin and at one point, it was wall to wall people and was actually hard to get up and down the street. All the money raised at this festival is used for the operation of the historic buildings that they own.

Councilman Pozar thanked the City Manager for reporting on the Oakwood billboard. It will look good going down. A statewide ban was recently enforced on the Internet Cafes. Are any of them in our City currently open? Mr. Angelo said both of them are still open. Mr. Pozar asked why. Mr. Angelo said nothing has come from the State telling us to close them. Mr. Pozar said he read the legislation and it is a State ban so why are they still open in our City? Mr. Angelo said the State has to give us some direction if they want them banned. Mr. Pozar said isn't the direction the ruling that was sent from Columbus. Mr. Angelo said we have received nothing from them. Mr. Pozar asked when there is a ruling like that do they actually send out to each city that there is a new law or is it up to us to know that. Mr. Angelo said he has never seen a ruling like that come down. Mayor Pocek said that is something Mr. Schuman would be informed about. Mr. Pozar said the petitions are already going out to seek to overturn the ban so apparently, step two is in process and we haven't adhered to step one yet if in fact that is an enforcement issue that we need to look at.

Councilman Pozar said we have also received letters for a possible precinct change for voting in Ward 1 and Ward 5. He would like to go on the record to ask if we have to adhere to that. Is this a recommendation or do they have the authority to make us do that? He thinks it is not needed. He doesn't know Mr. Batten's opinion of that. To put four precincts in one building in Ellenwood when they are perfectly able to accommodate them here in this building.

Councilman Batten said we have had this before and it is usually a discussion among the Ward leaders or Council on different Wards. You have to get permission from the City in order to use their property. In the past when they have made the changes, they usually call the people that are involved. Mr. Pozar said so we would have the right of approval or disapproval. Mr. Batten said yes. Mayor Pocek said it is his understanding that in the past if there is reason for us to move, we have. We moved it once in Councilwoman Zolata's ward because it made sense. In this case, it doesn't make sense. Mr. Pozar said he is going on the record to say that Ward 5 votes here because this room is perfectly adequate for the people coming in to vote and it should remain that way.

Mr. Angelo said he will follow up with the Law Director.

Councilwoman Mizesak thanked everyone for coming tonight. This weekend Bedford was really jumping. We had the best festival for the Historical Society in a long time. Next year will be the 50th year anniversary. She has heard that next year it will be bigger and better. She wants to congratulate the Mayor and her husband for receiving a trophy for their cars. The Mayor said he didn't receive one, he awarded the Mayor's trophy.

Mrs. Mizesak said this panel of people never lets the public down. She doesn't know how many were at the square but she knows she put out a lot of strawberry shortcakes and strawberry sundaes and people were lining up. There wasn't a slow down at all. It was a very organized group and she is proud that she was part of it. The next event on the Square will be Friday night with the Stratophonics.

Mayor Pocek said he wants to congratulate Andy Mizesak because he knows that car means a lot to him. The trophy symbolized a lot of things to him.

Councilwoman Zolata said she has to concur about the Strawberry Festival. It was a magnificent weekend. She wants to thank the Bedford Police Department for the service they gave to Ward 3. In the long run, the whole city will benefit. At the last meeting, she mentioned that there were problems at Interstate Park. They came in force and it has been fine ever since. As she has stated before, we will not tolerate this behavior at our city playgrounds that are meant for children. A lot of these kids were adults. It has been quiet ever since. The residents are very pleased. She personally wants to thank Chief Greg Duber and all the officers.

Mrs. Zolata said today she received a Code Red message. About two weeks ago, there was a Code Red message put out to her Ward. There was an attempted robbery on Northfield Road and the person responsible tossed a weapon. They put out a Code Red to the people that if they find it, please do not touch it, pick it up or anything, just call the Police Department immediately. Some of the residents had called her about this. Mrs. Zolata called the City Manager and told him it would be a good idea if they find it or whatever happens, to put out another message to the people so they would feel safe. Mr. Angelo assured her that it would be done. She got that message today. They said they located it and thanked all the residents for their help. Thank you for that.

Councilwoman Zolata said over the weekend, she noticed that there are several lights still out under the bridge. Under the bridge on Broadway is such a dark area, there are a lot of bushes and trees. She has seen a First Energy truck in there working on one of those poles. She doesn't understand why there are so many lights out there. She also wants to thank the Building Department, primarily Mike Mallis who came to her rescue. There is still a lot of uncut grass and in her Ward there were some uncut for quite a while. She cried on his shoulder and Mr. Mallis had them cut.

Councilman Koci said you can tell the grass letters are going out because a lot more lawns are being cut but there are still more out there. What amazes him are the people that are living in the houses and not cutting them. It's not just abandoned or foreclosed houses. It just takes time to do everything legally to keep the city out of trouble. It does get done, it is just frustrating when it takes so long.

Councilwoman Koci mentioned the FriDates program which is coming up on Friday at 7:30 P.M. It is the first time we are going to have an outdoor concert. It will be like the Parties in the Park, you have to bring your own chair. If it is bad weather, we will be inside the church. The theme is "You are never too old to rock and roll". It should be fun.

No report from Councilman Batten.

Mayor Pocek said he feels this year's Strawberry social was very successful. He went down there every day and each time he was there it was jammed, there were a lot of people. He wants to compliment the Historical Society and all the people that worked.

ORDINANCE NO. 9078-13, an ordinance authorizing the City of Bedford to certify to the County Fiscal Officer the costs associated with Police response to 40 Talbot Drive as said homeowner is in violation of Bedford's criminal activity nuisance ordinance and declaring an emergency was read by title only. Motion made by Saunders seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizsak to place Ordinance No. **9078-13** on third and final reading and passed.

Mr. Angelo said the individual that owns the property is in violation of our criminal nuisance law. The Chief has recommended that a bill of \$181.68 be sent. As City Manager, he is in agreement to the recommendation of the Police Department. Mayor Pocek said this is the fifth time. Councilman Saunders asked when do we stop doing this and take some permanent action. Mr. Angelo said one of the things that he and Mr. Schuman have talked about is when do we do something else.

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

ORDINANCE NO. 9079-13, an ordinance authorizing and directing the City Manager to enter into a contract with Kemira Water Solutions, Inc. being the lowest, responsive and responsible bidder and declaring an emergency for Liquid Ferric Chloride was read by title only. Motion made by Mizsak seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Batten to place Ordinance No. **9079-13** on third and final reading and passed.

Mr. Angelo said this is a chemical used at the Wastewater Plant. We bid this every year. It is on an as needed basis.

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

ORDINANCE NO. 9080-13, an ordinance authorizing the City Manager to enter into a contract with Gardiner for HVAC Preventative Maintenance Agreement 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: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to place Ordinance No. **9080-13** on third and final reading and passed.

Mr. Angelo said this also is a contract we enter into every year. We went back to Gardiner about a year ago. They work with Tony Romito here at City Hall on the HVAC system. You don't see a lot of the changes but they have made major changes. All the computer software has been upgraded and the cost is approximately \$5,996.00. They also do a lot as far as letting us know what to expect next if they see something that needs to be corrected. Mayor Pocek asked if they were involved in the installation when City Hall was built. Mr. Angelo said yes.

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

ORDINANCE NO. 9081-13, an ordinance authorizing the City Manager to enter into a contract with Impact Group Public Relations/Marketing Communications Inc. ("Impact") and declaring an emergency was read by title only. Motion made by Zolata seconded by Koci to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Mizsak to place Ordinance No. **9081-13** on third and final reading and passed.

Mr. Angelo said this is a contract with the marketing group that has been working with the city for about one year. We recommend they come back and work with the city for another year. This contract would be effective June 1, 2013. They were in the Work Session and Council got a chance to listen to some of the work they have done and what they will continue to do. Your utility bill, the resident newsletter, the Senior Guide, the video we are working on, this is a product we have for the cost of less than a person, we have a whole company. He recommends we stay with them. Mayor Pocek said Council wants that too. Councilman Koci said some of the examples they showed Council were very nice and professional looking pamphlets, especially the new resident pamphlet. The old ones were copied so many times they could hardly be read. The new one looks professional and builds a positive image. Mayor Pocek said their goal now is to take the "show on the road" and promote the city outside the borders.

Councilman Pozar said one of the very critical aspects of what they do is a catalyst to communicating with residents. The move is afoot to communicate by e-mail and e-blast. What they are going to instigate is a communication system for the future. The budget we utilize for employing these people is kind of like a corporation that creates a line item budget to promote its image and thereby sell its product. We did that 10 or 12 years ago with a video of Bedford. They are now in the process of enhancing that video and bringing it up on CD form so that people who are proud of their city can send it to friends and say here is what we have. People that are interested in moving companies here can then utilize the materials that they produce for that purpose. It may look like a lot of money but it is very well spent and it is something that will be envied from other cities. Mr. Pozar's recommendation was that the first kit that comes out goes to the people here. He thought we should have a dozen of them for those that attend Council meetings. It is money well spent.

Councilman Saunders said as everyone is aware, we have around 300 empty homes right now. We are doing our part by turning our excellent financial situation into doing infrastructure repairs this year so the first impression of the neighborhood as you drive through when you are buying a house is one of a

positive attitude. The whole thing of promoting the city goes hand in hand and this is very beneficial and hopefully we will be able to keep our city vibrant well into the future because of this.

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

ORDINANCE NO. 9082-13, being an ordinance amending Section 1953.03(d)(5) of the Planning and Zoning Code of the City of Bedford, Ohio and declaring an emergency was read by title only.

Mayor Pocek said since we do not have legal counsel here tonight, could the City Manager explain what we are doing. Mr. Angelo said this is a change in a Planning and Zoning Code. One of the things we looked at is in some areas people would like to have a fence if they live on a corner. The question is what about the line of sight if someone drives up to that corner. Our concern was that we do not want to give up that safety issue but in some instances there is enough room to let them get up to the street, look both ways and then go out. This is a change that will allow the City Manager with the recommendation of the Police Department and the Building Commissioner to make that allowance so there could be a fence on the corner as long as there is no safety issue involved.

Mr. Angelo said the amendment we are looking at would add “on corner lots, no fence, living or structure, is permitted in side yards”. The ordinance is still intact, however, there is an allowance if safety is not at issue.

Motion made by Batten seconded by Koci to amend Ordinance No. **9082-13**. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to place Ordinance No. **9082-13** on third and final reading and passed.

Councilman Saunders said he thought we were going to get a legal opinion on whether we needed to do a Public Hearing on this since this is an actual change in the Planning and Zoning Code. Mr. Angelo said from what he understood, we were going to pass it tonight and if a Public Hearing was required we would have it after the fact and it could always be taken off.

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

ORDINANCE NO. 9083-13, an ordinance authorizing additional work for the Bedford Automile Enhancement Project and declaring an emergency was read by title only. Motion made by Zolata seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizensak to place Ordinance No. **9083-13** on third and final reading and passed.

Mr. Angelo said this is a change order authorization for additional work that was done for the electric monuments on the Automile. This is something that had to be done prior to the grand unveiling. In order to make the deadlines, it had to be done this way. Councilman Pozar asked why was this change order required. It was a \$260,000 project and it had a change order to the base and the size. How did we miscalculate that? Mr. Angelo said it was for additional concrete and framing. He doesn't know how it was missed. Mr. Pozar said the additional \$10,315 has nothing to do with fixing the letters. Mr. Angelo said that is correct. Mr. Pozar said that Mr. Angelo indicated that Mr. Mallis was working on it and trying to find a solution and it is not in here yet. Mr. Angelo said that is right. Mr. Pozar said he is curious with the size of this project that there would be a change order for \$10,000 on the base. Mayor Pocek said we moved it along so they could unveil it. The car companies wanted to unveil it so they could get the notoriety for it. That is why it was pushed forward. Mr. Angelo said he thinks Mr. Pozar is asking about why the changes on the concrete and the base. Mr. Angelo will find out.

Councilman Saunders said is it possible that it is the base on the Warrensville Center one because it had been changed from its original design along with the fact that the emblem was changed on the base. There was discussion regarding some of the changes. Mr. Angelo said this involved the three electric monuments on Rockside and two on Broadway. Mr. Gambosi said the changes are listed on the attachments. The Mayor said it was approved to go forward and then there were change orders.

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

ORDINANCE NO. 9084-13, an ordinance authorizing and directing the City Manager to enter into a contract with Nerone & Sons, Inc. being the lowest, responsive and responsible bidder for the 2013 Archer Road Pump Station Improvements and declaring an emergency was read by title only. Motion made by Saunders seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizensak seconded by Pozar to place Ordinance No. **9084-13** on third and final reading and passed.

Mr. Angelo said this is one of the projects being done under the bond for capital improvement for the Wastewater Treatment Plant. This is the Archer Road pump station and the approximate cost is \$76,572. The last time this was updated was 1984-1985. We have problems with the pumps, they are not sealing properly and there is something called a flange that is offset. We will completely rehab the whole pump station.

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

ORDINANCE NO. 9085-13, an ordinance authorizing and director the City Manager to enter into a contract with Nerone & Sons, Inc. being the lowest, responsive and responsible bidder for the 2013 Wastewater Treatment Plant Electric Service Monitor Project and declaring an emergency was read by title only. Motion made by Mizensak seconded by Saunders to suspend the rule requiring the reading of

said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Zolata to place Ordinance No. **9085-13** on third and final reading and passed.

Mr. Angelo said this is a contract monitoring the electric coming into the Wastewater Plant. What is happening is that we are getting surges. When we have a surge there, it is costing us thousands of dollars. This monitoring system will allow us to go after CEI as far as cost. They have paid us in the past when we have been able to prove that their surge was the cause of our problems and the damage that ensued. We are recommending that the \$21,997 be spent so we can go after them when we have evidence on what is going on with CEI.

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

Mayor Pocek said we are going to make a motion to reject the Commercial Water Meter Replacement Phase 2 bids because they were not properly bid upon. This is the recommendation of the City Engineer, Ken Schuman and John Montello.

Motion made by Koci seconded by Mizesak to reject the Commercial Water Meter Replacement Phase 2 Bids. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. 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 comments.

Kathy Williams, 491 Lamson Avenue, asked if the City has a list of Section 8's. Do we know how many houses are Section 8 houses? Mr. Angelo said we used to have a list but since the last census, we no longer have that information. He can find what we have. During the last census, they did not do economic tracks. Mrs. Williams said wouldn't it be good for the City to know whose home is a Section 8 house because they are all rentals. Mr. Angelo said when the Section 8 comes in, they have a whole set of standards as far as building code. He can find out what they have given us. Mrs. Williams said she feels that would be good for the City to know. What happens if we have 200 Section 8 houses? Mr. Angelo said he misunderstood on the census tracks, that is different. On the Section 8, if they are registered with Section 8, we should be able to get the information. He will look into it.

Mrs. Williams said she thinks 506 Lamson Avenue is abandoned. When the vegetation is covering the windows, you are asking for trouble.

Next year, when you promote the Memorial Day Observance, please take the word parade out. This year, Mrs. Williams was stunned. An Oakwood fire truck was throwing candy out the window. It was the very last fire truck. There were people with pit bulls on the Square without muzzles. They were playing the National Anthem and they didn't take off their hats, they were reading the men's names that were dead and everybody was talking and laughing. You couldn't hear anything. There was one woman talking about bazaar things and she just gave her a look. Mrs. Williams feels it was very disrespectful. Take out the word parade and maybe then people will realize the importance of honoring our dead soldiers. Nowadays, people don't have home training and they just do what they want to do and it was very

disrespectful. Another thing, you couldn't hear. The PA system was really bad. They were standing by the World War II Memorial and they couldn't hear.

Mayor Pocek asked what does she suggest, Memorial Day Procession? Mrs. Williams said just Memorial Day Observance because when people think parade, the respect is not there. Mr. Angelo said he did not see the Oakwood fire truck. Mrs. Williams said it was the very last fire truck that was throwing out suckers. The Mayor said he knows of other communities that have a parade like the one we have on the 4th of July. Mrs. Williams said we have never done that. Even when they were reading the names, you would think common sense would have the people quiet and showing respect.

Councilman Pozar said he saw it in the band with the kids. The kids' right up front were texting and e-mailing. Mrs. Williams had a great point about the PA system because if the people in the back don't hear what's going on they certainly won't be able to respect it. The kids he went to high school with that are in the cemetery were not mentioned. He asked why were the Korean War, Vietnam War and World War II people not mentioned this time for the sake of brevity. The Mayor said this was to honor the Civil War Veterans because this was the 150th Anniversary of the Battle of Gettysburg. Mr. Pozar said then they mentioned them first because it does not lessen the sacrifice made by Vietnam, Korea and Desert Storm that we have. To make that more shareable, to get a better PA system in the back, we have to be able to do that. If we could do it on the corner, from the corner in rather than the stage out, kind of like a surround sound, that would help.

Bill Astalos, 685 Archer Road, said he owns property at 105 W. Grace Street. He has rehabbed the property and has had it for sale and has had people looking at the house once or twice a week up until sometime in April. The neighbor's grass was knee high and people stopped looking at the house. At the beginning of June, the grass was 4 feet high. He has photographs standing in the front yard with the tape measure, 48 inches tall grass at 105 W. Grace Street in Ward 5 on a main street. Terrible and inexcusable. Finally, he had to complain 5 or 6 times, maybe more to the Building Department. They said they didn't have a complaint on file. 78 W. Glendale backs up to his yard. He has dead wood stacked up along the property line. His yard is lower and stuff is rolling into his yard. There is a 26 inch bicycle in the back yard and the grass is up to the seat. There have been multiple complaints and nothing is being done. W. Grace is a main street coming into Bedford. Every main street in Bedford, the grass is horrible. On East Grace and Broadway, there is a parking lot with cars parked there, that grass was over knee high along the tree lawn.

Mr. Angelo said he knows the house Mr. Astalos is talking about on W. Grace and it did receive a letter. Part of our problem is that every spring we go through this with the same group of people. We are trying to look at a way where we aren't going to be sending out letters in April anymore.

Mr. Astalos said he knows they used to send out letters when it was a violation and if the grass was over 6 inches tall for the next 12 months, it was automatically going to be cut and they were billed for it. Mr. Angelo said one of the problems we have is that we have to notify the owners and it is not always easy. Mr. Astalos said once they have been identified and violated, then if it goes over 6 inches tall the city will cut it and bill them. 103 W. Grace is already over 6 inches tall again. The day after the grass was cut, they had a showing and 2 showings since. Mr. Angelo said once the letter goes out and due process is served, we don't bother with a second letter. If it gets high again, we are out there. Once they are on the list, they stay on the list.

Mr. Astalos said he has complained about both properties multiple times and every time he is told there are no complaints on file. Mr. Angelo asked the exact location and Mr. Astalos explained. He said 103 W. Grace still has some trash and it is disgraceful.

Mr. Astalos feels the city should have a form and if a resident makes a complaint, they should get a copy of that complaint. There should also be a response within 2 working days saying this is what is being done about your complaint. Mr. Pozar asked Mr. Astalos about his comment that he had made a complaint and the second time he complained they said there was nothing on file. Mr. Astalos said the third, fourth and fifth time he was told that too. Mr. Pozar asked if that was the Building Department. Mr. Astalos said that was the Building Department. Councilman Pozar said in the last month, the Building Department has been inundated with these requests. We have received over 250 of them, copies of each one. The Building Department has been short of personnel the last two weeks. Mr. Astalos said it has been going on for months and it has been ignored for months. Mr. Pozar said it starts in the spring every year and it gets worse in May. One of the other areas he asked the City Manager to come look at, which he did immediately, on Oakwood and Forest, there were 3 lots there and he believes the next day is when 103 W. Grace got cut.

Mr. Astalos asked Councilman Pozar why didn't he report it and have it taken care of, it's your Ward. Councilman Pozar said he did, ask the City Manager. Mr. Angelo said he did report it. Mr. Astalos asked why weren't his complaints answered. He started complaining in March about the yard and the one at 78 W. Glendale. Mr. Angelo said he will look into his concerns of what happened and why they didn't respond. Even if they said we don't have enough personnel, he should have had a response. He will also address why they said they didn't have it on record. Mr. Angelo said don't ever hesitate to contact him.

Tim Tench, 286 Marion Drive, said the end of the school year was last week. We are looking forward to the State report card coming out and seeing how we did this year. We feel we made some strides but we are at their mercy as far as the timeliness of their reports. Thursday's graduation was at the Wolstein Center at Cleveland State and went well. Our number one student this year graduated early, she was 16 years old and had a 4.2 GPA and got a free ride to Case. It is an amazing story.

Mr. Tench said kudos to the Police Department on Friday although he thinks the Man upstairs had more to do with the crowd control. As everybody knows, the last day of school has always turned out to be quite an ordeal for a few hours. The rain took care of that.

At the July 15th meeting, he, Debbie Kozak and Phil Stevens will be here to give a brief overview of the past year. He would appreciate being given some time for them to give the presentation.

As far as the comments made by Mrs. Williams and Councilman Pozar regarding Memorial Day, Mr. Tench wishes someone had said something to him that day of the parade about the kids texting, etc. because that would have been handled right then and it wouldn't have carried over to the cemetery. He was sitting in the back and didn't know that was going on and he is embarrassed to know that was going on. He has it written down and he will be addressing that.

Councilman Pozar asked Mr. Tench if he has an in-road to Impact Technologies as far as providing information. They are always looking for information for the newsletter and reports. Are they hooked up with the School District to provide that? Mr. Angelo said not on a regular basis but if there is something special, we have done some things. Impact is our marketing firm. Mr. Pozar asked shouldn't they be? Mr. Tench said he suggests talking to Jerry Zgrabik. Mr. Tench said it is something they should look at.

Further discussion continued about information to be put on the utility bill. The Mayor said something should be put in that states there will be three members of the School Board at the July 15th meeting. Mr. Angelo said the deadline for the utility bill has passed but it could be put out in the e-mail blast.

Mr. Tench said that is a good idea because the only thing people know about the school district is what they read in the Plain Dealer. The Mayor said he thinks the school district has had a great year. Mr. Tench said they are continuing to make strides but the bad thing is with all the State mandates and changes coming on the report card starting next year, it will affect a lot of districts. You will see the "excellent" school districts become "effective" and so on down the line, if they go through with this.

Jean Sapir, 597 Button Road, said she is here wearing her Garden Club hat. She wants everyone to know that the Garden Club is reinstating the Bedford Beauties Contest. This is to recognize people that have created a nice landscape, have a really good looking house or building. It could be their own gardening, it could be a landscaper. You have until the end of this week. If you know of anyone in your area, she has some entry forms and there are some at the library. The deadline is Saturday, June 15th. The entry forms can be dropped off at Carson's and the judging will take place after that and by July 4th there will be signs in the yards of the winners.

The Mayor said this is always a good thing. Someday he would like to see the tour of the gardens come back. That was wonderful.

Marilyn Koci, 767 Archer Road, said she would like to ask Ms. Sapir if we are allowed to nominate someone that we think has a beautiful yard without their permission.

Sandy Spinks, 265 Grand Blvd., said they do have a letterhead that states that the Garden Club notices their yard is beautiful, etc. and we would like to encourage them. Yes, it can be done.

Jeff Duber, 134 Harriman Street, said he has another sidewalk question. There are a lot of sidewalks that need to be repaired and he knows it is the homeowner's responsibility. Is there any way the city could line up a contractor that would be willing to do sidewalk repairs on a per walk basis based on a number. Rather than the homeowners individually trying to contact a company to come out and do one walk, it would cost a lot more money. If you could line up maybe 15, 20 or 50 people that want theirs done and get a company to come in a do it for a fixed charge.

The Mayor said we did something like that maybe 7 or 8 years ago. The Mayor said it should be revisited with the Service Director, he thinks it is a good idea.

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

Meeting adjourned at 9:12 P.M.



Clerk of Council Pro Tem



Mayor – President of Council