

COUNCIL WORK SESSION

MONDAY, AUGUST 19, 2013

6:00 P.M. PROMPT

DINNER WILL BE SERVED

- **DISCUSSION OF AGENDA**
- **DISCUSSION OF ANIMAL TRAPS – Zolata**
- **DISCUSSION OF NLC WARRANTY –VS - DOMINION PROGRAM - Bellar**
- **DISCUSSION OF SIDEWALKS – Zolata**
- **DISCUSSION OF BILLBOARD - FORBES & BROADWAY – Pozar**
- **DISCUSSION OF WARD 2/WARD 6 SECESSION PLAN – Mayor/Pozar**
- **DISCUSSION OF DEER CULLING**
- **DISCUSSION OF BZA RE-APPOINTMENT - DENNIS KOTMEL (Expires 10-14-13)**
- **EXECUTIVE SESSION - Personnel**

Bedford, Ohio

August 19, 2013

Bedford City Council met in a work session at Bedford City Hall on Monday, August 19, 2013 at 6:03 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizesak, Greg Pozar, Don Saunders. Administration: City Manager Henry Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman, Clerk of Council Lorree Villers, Building Commissioner Calvin Beverly, Deputy Chief Kris Nietert. Absent: None. Also Present: Joe Mestnik, Sarah Patsolic, Lane Ferrante.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

The minutes of the Work Session of July 15, 2013, the Regular Meeting of July 15, 2013, the Special Work Session of July 23, 2013 and the Special Meeting of July 23, 2013 were approved by Council.

Ordinance No. 9097-13 was an ordinance to levy assessments for delinquent water bills in the City of Bedford. This was an annual ordinance. Mr. Schuman noted this was done twice a year for delinquent water bills. Mr. Gambosi said this would be for the year 2014. There was discussion and concern as to why some of the amounts were so large. Mr. Angelo and Mr. Gambosi would check to see why they were such large amounts. Mr. Pozar thought any amount over \$400.00 was troubling. Mr. Batten figured the monthly cost multiplied by six months was the minimum payment. Mr. Angelo said the monthly cost was \$42 multiplied by six months. Mr. Pozar noted Fund #300-#310 the GO Bond Retirement Fund that allowed less payments for bond principal and interest payments, and to appropriate funds for bond escrow payments and bond issue costs as was discussed in the budget. He asked if the Water Fund #500 that appropriated funds for Bond interest costs, overtime for water breaks, water meters, water main contract over borrowed funds, and water main supplies for breaks and Fund #501 Wastewater Fund that appropriated funds for Bond interest and principal expense were all settled. Mr. Gambosi replied, yes.

Ordinance No. 9098-13 was an ordinance that authorized the amendments of Ordinance No. 9015-12 making additional appropriations for current expenditures of the City of Bedford during the year 2013. Mr. Gambosi reviewed his memo with Council [see attached]. He explained this was a normal adjustment procedure to the budget. Some of the changes were Police and Fire grants, the debt service for road repaving and waterline project on Broadway Avenue and WWTP improvements and an additional appropriation for the resident recycling bags.

Ordinance No. 9099-13 was an ordinance upgrading the ODOT Systematic Upgrade of Barrier End Terminals. Mr. Angelo said there were ten areas to be addressed at no cost to the City. The City Engineer supplied Council with an exhibit showing the areas to be addressed.

Motion to accept the August 6, 2013 recommendation of the Planning Commission for Chuck Miller, Doty & Miller Architects, 222 Broadway Ave., Bedford, OH regarding Randy Cohen, LCA Auto Wholesalers, LLC. for site plan approval for a new structure. Mr. Angelo showed Council a picture from the Planning Commission packet as to what the structure would look like. It was asked if this was a legal building. Mr. Beverly replied, yes. Council had no other concerns.

Motion to accept the August 6, 2013 recommendation of the Planning Commission for Gary Zillian 348 Broadway Ave., Bedford, OH - Adult Wellness Center for a building addition. Mr. Angelo explained Mr. Zillian agreed to address all the minor concerns of the Planning Commission and the room would be used as an activity room. Mr. Zillian was a very nice man to do business with.

Motion to accept the August 6, 2013 recommendation of the Planning Commission for Mark & Sarah Patsolic, 100 Harriman Ave., Bedford, OH for site plan and new structure. Mr. Angelo explained the new structure was almost a duplicate of what was originally on the property. The original building had burnt over 50% so it was not grandfathered. Mrs. Patsolic was present and submitted two pictures of the burnt structure. It was noted the issue would have to go before the Board of Zoning Appeals (BZA) for a variance for the building height. Mr. Saunders said the neighbors were okay with the new structure. He asked Mrs. Patsolic if the original foundation was being used. Mrs. Patsolic replied, no. It was determined after this issue was heard by the BZA, it would be again before Council for consideration. The existing home was approximately 150 years old.

Motion to accept the August 6, 2013 recommendation of the Planning Commission for Rickeya Gilliam, Child Care Center – 619 Northfield Road, Bedford, OH for conditional use. Mr. Angelo pointed out this was a conditional use and the building was well suited for this type of service. Mr. Beverly added the building was being leased by Mrs. Gilliam. Mr. Angelo explained this business would have all different ages of children and would be staffed for two shifts. There was discussion of a day care moratorium that Council had put in place years ago because Council felt Bedford was saturated with these types of services. There were some safety concerns with the small play area and amount of traffic that passed by the area. Council was not in favor of another day care center.

Motion to accept the recommendation of the TIRC meeting of August 13, 2013. Mr. Schuman, Mr. Mallis and Mr. Gambosi attended the TIRC meeting on behalf of the City. Mr. Schuman read through a list of business that was discussed and Hemisphere was the only business that needed additional attention. (see attached) Council had no concerns in accepting the TIRC recommendations; however, they would have to clarify the motion on the floor regarding Hemisphere.

Discussion of the Regular Meeting agenda was concluded.

Mrs. Zolata had some concerns/complaints regarding animal trapping. Deputy Chief Nietert felt the Animal Wardens did a very good job addressing trapping issues throughout the City. He explained if animals were being trapped continuously, the resident was given suggestions from the Animal Warden to address their specific problem. It was fact; if anyone placed a trap with bait it would lure an animal and they would catch something eventually. Bedford was in the middle of the woods with numerous animals. Residents needed to consider if they were feeding the birds, this in itself would draw other animals and cause a potential problem. If a resident continued to bait and trap, then it was their own fault if their problem continued. The planting of a garden also was a draw for certain animals along with vacant homes. Mr. Batten asked if the Health Department could be of some assistance. Chief Nietert would research it to see if they could assist. Mrs. Mizesak asked if the pellets were being placed for the raccoons. Deputy Chief Nietert replied, yes. Mr. Pozar said he has his own wild animal issues and he has just learned to live with them. Mr. Saunders thought if all residents used rubbish containers it would help a great deal. He has seen several torn open bags at the street on rubbish day.

Mr. Angelo explained the NLC Warranty – vs. – Dominion Program briefly because there was no savings in changing to the NLC Program. The NLC Program was a benefit to areas that needed this type of assistance but Bedford was not that City. It was determined Dominion was the best program for Bedford because it was less expensive than NLC.

Mrs. Zolata said some of the sidewalks throughout the City were in bad shape; the City paid for the replacements or repairs about 4-5 years ago. Mr. Angelo explained he was working on a replacement type program that if the City assigned 20 block replacements at a price of \$140 per block which had to be paid

by the resident. Mr. Saunders pointed out that some homeowner insurance policies would pay for sidewalks. He also pointed out the dying ash trees were an issue too.

Mr. Saunders explained the billboard on the corner of Forbes Road and Broadway should have been removed or dealt with 8-10 years ago. It was decided it was a moot point; the fact was it was not addressed back then and there wasn't anything the City could do about it now. There was discussion of it being used as a political sign and/or political speech. The question to Mr. Schuman was whether it was considered a sign or a billboard. Mr. Schuman replied, a billboard. It was determined the billboard was owned by the person that owned the building/business and the City could not do anything about what the owner posted on it. Mr. Schuman clarified there was nothing the City could do legally and if the City pushed the issue in court; the City would lose. The only avenue the City had was to address it when the property was sold and changed hands. Mr. Angelo pointed out the owner had cleaned up the area, employed about 80 employees and the corner was more attractive than it was before. Mr. Saunders had issues with the fence. After a brief discussion, Mayor Pocek suggested the State be contacted so they could address it. This was not something the City of Bedford could address.

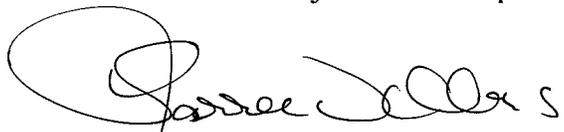
Mayor Pocek pointed out a few options regarding the secession plan for Ward 2 and Ward 6. He noted there would be an interviewing process for the specific Ward and resident suggestions were welcomed. Mr. Koci said the Charter spelled out exactly what needed to happen. Once the election results were certified, resumes could be collected and discussed in December 2013 and this person could be sworn in at the January 2, 2014 meeting. Mayor Pocek suggested to Mr. Koci and Mr. Saunders if they had a resident in mind they should suggest they start attending meetings. However, if the other resident running for Mayor won the election, there would be no need to address this issue.

Mr. Angelo and Mayor Pocek were in the process of discussing the deer culling issue with Mayor Akers. A professional named Sandra Baker was willing to address Bedford's deer population problem for a cost of \$250 - \$500 per day plus transportation costs. Deer culling was still a hot topic; the deer were out of control everywhere; not just Bedford. Ms. Lane Ferrante, 620 Turney Road, spoke on behalf of Ms. Baker and her professional services, which she felt was well worth the costs. Mr. Pozar wanted to know what the City was going to gain by it; the Metroparks had ongoing programs at no cost. The City had recently tried to hold a public meeting on July 15, 2013 with a representative from the Metroparks talking about deer culling and management of the deer and how to deal with other wild animals but the gentlemen had a family emergency and had to cancel. Mr. Angelo was still in the process of setting up another public meeting date. Council and the Administration still wanted to attempt to set up a meeting with the gentlemen from the Metroparks before considering Sandra Baker, mainly because of the costs.

Council chose not to discuss the re-appointment of Dennis Kotmel to the Board of Zoning until Clerk Villers reported whether he was still interested.

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

Executive Session adjourned at 7:55 p.m. The Work Session adjourned at 7:58 p.m.


Clerk of Council


Mayor - President of Council

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

- a. Approval of Minutes of the Work Session of July 15, 2013
- b. Approval of Minutes of the Regular Meeting of July 15, 2013
- c. Approval of Minutes of the Special Work Session of July 23, 2013
- d. Approval of Minutes of the Special Meeting of July 23, 2013

5. REPORTS

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

6. NEW BUSINESS

- a. Ordinance No. 9097-13 to levy assessments for delinquent water bills in the City of Bedford
- b. Ordinance No. 9098-13 amending Ordinance No. 9015-12 making additional appropriations
- c. Ordinance No. 9099-13 upgrading the ODOT Systematic Upgrade of Barrier End Terminals
- d. Motion to accept the August 6, 2013 recommendation of the Planning Commission for Chuck Miller, Doty & Miller Architects, 222 Broadway Ave., Bedford, OH Randy Cohen, LCA Auto Wholesalers, LLC., - Site Plan Approval/New Structure
- e. Motion to accept the August 6, 2013 recommendation of the Planning Commission for Gary Zillian 348 Broadway Ave., Bedford, OH - Adult Wellness Center – Addition to Building
- f. Motion to accept the August 6, 2013 recommendation of the Planning Commission for Mark & Sarah Patsolic, 100 Harriman Ave., Bedford, OH – Site Plan Approval/New Structure
- g. Motion to accept the August 6, 2013 recommendation of the Planning Commission for Rickeya Gilliam, Child Care Center – 619 Northfield Road, Bedford, OH – Conditional Use
- h. Motion to accept the recommendation of the TIRC meeting of August 13, 2013

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, August 19, 2013. Mayor Pocek called the meeting to order at 8:02 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Absent: None.

Motion made by Pozar and seconded by Mizensak to approve the minutes of the Work Session of July 15, 2013. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Koci to approve the minutes of the Regular Meeting of July 15, 2013. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Mizensak and seconded by Saunders to approve the minutes of the Special Work Session of July 23, 2013. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Batten and seconded by Koci to approve the minutes of the Special Meeting of July 23, 2013. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

No report from City Manager, Henry Angelo.

No report from Law Director, Ken Schuman.

No report from Finance Director, Frank Gambosi.

Mayor Pocek announced the Mayoral debate at the Light of Hearts Villa on August 20th starting 6:00 p.m. until 7:30 p.m.

Councilman Saunders pointed out the homes located at 49 and 51 Avalon Avenue was demolished recently. It was handled by the Landbank at no cost to the City. He thanked everyone for their efforts.

Councilman Pozar congratulated Dot Schwende for being the winner of the Bedford Garden Club Bedford beauties yard contest.

Councilwoman Mizensak was pleased with the repaving in her Ward. She announced the grand opening of the new business at 802 Broadway Avenue called The Sweetest Things; she passed out menus. (see attached)

Councilwoman Zolata complimented several residents in her Ward for keeping their yards/lawns beautiful; she could have nominated many residents for the Bedford Garden Club contest. She urged everyone to recycle; this was one topic she felt very strong about. She suggested residents place their rubbish in a container instead of placing a plastic bag at the street for animals to rip open. She urged everyone to sign up for the Code Red which is an important information service available to all the residents.

Councilman Koci said he was in California at the NLC First Tier Suburbs Committee meeting as the vice-chair where he gathered some information and good ideas.

Councilman Batten mentioned the speed monitor placed on Grand Boulevard from July 22, 2013 for seven days. The report showed out of 4,000 cars, there were 28 cars that exceeded the speed limit by 10 mph between 1:00 p.m. and 5:00 p.m.

ORDINANCE NO. 9097-13, 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 Saunders seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Batten, Koci, Mizesak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Batten to place Ordinance No. **9097-13** on third and final reading and passed.

Mr. Gambosi explained this procedure was addressed two times a year. The persons listed had not paid nor attempted to pay for water and sewer services as provided by the City of Bedford and the accounts have been delinquent for at least 60 days. The City would certify the unpaid accounts to the County Auditor who would assess the amount on the real property tax duplicate and there would be a lien on the property. He was going to research the very large amounts.

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

ORDINANCE NO. 9098-13, an ordinance amending Ordinance No. 9015-12 making additional appropriations for current expenditures of the City of Bedford, Ohio during the year 2013 and declaring an emergency was read by title only.

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

Mr. Gambosi explained this was a normal adjustment procedure to the budget. Some of the changes were Police and Fire grants, the debt service for road repaving and waterline project on Broadway Avenue and WWTP improvements and an additional appropriation for the resident recycling bags. Mr. Pozar asked about the HUD rehab fund and advances in fund numbers #215 and #217. Mr. Gambosi explained the \$1,600 was the assessments on the outside of the homes; there was one home that paid the city annually for their assessment. There was approximately \$26,000 due for various houses. The City sold a home for \$56,000 and those funds from fund #217 which would be put back into the General Fund. Also because of the closing costs and taxes that were paid during the year for this home there was a need for an additional \$15,000 appropriated. Mr. Pozar asked what was still out there regarding the housing program in general on the advances. Mr. Gambosi replied \$400,000 on the #217 fund and \$26,000 on the #215 fund.

Motion made by Mizesak seconded by Pozar to place Ordinance No. **9098-13** on third and final reading and passed.

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

ORDINANCE NO. 9099-13, an ordinance authorizing the City for the upgrading the ODOT systematic upgrade of barrier end terminals 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: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Mr. Angelo explained the State of Ohio would be handling this project basically on Northfield Road from Alexander Road to Solon Road. There were 10 sites listed on the attachment at no cost to the City. Mr. Saunders asked if the state was going to put different barrier end terminals on the bridge. Mr. Angelo said he would report back to Council.

Motion made by Saunders seconded by Pozar to place Ordinance No. **9099-13** on third and final reading and passed.

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

Motion to accept the August 6, 2013 recommendation of the Planning Commission for Chuck Miller, Doty & Miller Architects, 222 Broadway Ave., Bedford, OH on behalf of Randy Cohen, LCA Auto Wholesalers, LLC., - Site Plan Approval/New Structure.

Motion made by Zolata seconded by Saunders to accept the August 6, 2013 recommendation of the Planning Commission for Chuck Miller, Doty & Miller Architects, 222 Broadway Ave., Bedford, OH on behalf of Randy Cohen, LCA Auto Wholesalers, LLC., - Site Plan Approval/New Structure. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion to accept the August 6, 2013 recommendation of the Planning Commission for Gary Zillian, 348 Broadway Ave., Bedford, OH - Adult Wellness Center – Addition to Building.

Motion made by Mizensak seconded by Pozar to accept the August 6, 2013 recommendation of the Planning Commission for Gary Zillian, 348 Broadway Ave., Bedford, OH - Adult Wellness Center – Addition to Building. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion to accept the August 6, 2013 recommendation of the Planning Commission for Mark & Sarah Patsolic, 100 Harriman Ave., Bedford, OH – Site Plan Approval/New Structure.

Motion made by Saunders seconded by Batten to accept the August 6, 2013 recommendation of the Planning Commission for Mark & Sarah Patsolic, 100 Harriman Ave., Bedford, OH – Site Plan Approval/New Structure. The roll was called. Vote – Yeas: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion to accept the August 6, 2013 recommendation of the Planning Commission for Rickeya Gilliam, Child Care Center – 619 Northfield Road, Bedford, OH – Conditional Use.

Motion made by Koci seconded by Batten to accept the August 6, 2013 recommendation of the Planning Commission for Rickeya Gilliam, Child Care Center – 619 Northfield Road, Bedford, OH – Conditional Use. The roll was called. Vote – Yeas: None. Nays: Batten, Koci, Mizensak, Pocek, Pozar, Saunders, Zolata. Motion **failed** unanimously.

Motion to accept the recommendation of the TIRC meeting of August 13, 2013

Mr. Schuman explained the City of Bedford had a meeting with Cuyahoga County for the Tax Incentives for certain companies throughout the City. Mr. Gambosi, Mr. Mallis and Mr. Schuman attended the TIRC meeting where they made recommendations regarding the present tax abatements for the participating companies. He clarified the motion would be to accept the recommendation of the TIRC meeting of August 13, 2013 except for Hemisphere Corporation. Hemisphere Corporation still needed to be addressed because the City needed to gather additional information.

Motion made by Batten seconded by Koci to accept the recommendation of the TIRC meeting of August 13, 2013 except for the Hemisphere Corporation. The roll was called. Vote – Yeas: Batten, Koci, Mizesak, Pocek, Pozar, Saunders, Zolata. 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.

Mr. Angelo and Mayor Pocek introduced Pastor Dennis and his wife Debbie from the Bedford Nazarene Church. Pastor Dennis was overwhelmed with the warm reception they received from Bedford. He offered to pray for everyone.

Darlene Williams, 150 Best Street, thanked the City for their efforts throughout the community. She pointed out the unruly juveniles stealing, knocking on doors and running off. The juveniles lived in a house on John Street. She noted the Police Department was aware of the situation.

Joyce Daunch, 86 Harriman Street, announced the Weekend of the Pooka, the celebration of the arts event to be held on September 13 and 14, 2013. She urged those who were interested in attending the concert to purchase their tickets as soon as possible because there was limited seating.

Helen Briggs, 149 Grand Boulevard, pointed out the Meadowbrook shopping center was unsightly. She suggested ornamental type grasses be planted to hide the debris. She noted the residents had to maintain their lawns and they should be made to do the same. Mr. Angelo explained the owner had been cited for safety and Building Code violations. There was 30-40 LLC associated with this property and it was costly to the City for this ongoing game. He said this property owner had an insurance claim in the amount of \$50,000 worth of losses. This was an ongoing battle. Mrs. Briggs pointed out the speed meter on Grand Boulevard was located right before a stop sign. She noted the speeders were residents living in the area.

Dick Bender, 69 Wandle Avenue, mentioned the newer arrow signal light on Forbes Road entering the ramp onto I-271. He said this light was totally ignored. He thought this light needed to be patrolled. Mr. Angelo explained there was a backup of traffic issue in the area. Mr. Saunders thought since the controller box was located in Bedford, it was Bedford Police Department's responsibility.

Orlando Rosario, 257 Deborah Lane, suggested a "Slow Children at Play" sign installed in the area of Belle Avenue and Deborah Lane. He pointed out there were dead skunks in the sewer, which was a very foul order. He said there were many branches overhanging the sidewalks at Belle Avenue, Glendale West, Daisy Avenue and Palmetto Avenue area.

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

Meeting adjourned at 8:38 P.M.


Clerk of Council


Mayor – President of Council