

**COUNCIL WORK SESSION
MONDAY, APRIL 15, 2013**

6:00 P.M. PROMPT

Dinner will be served

- **DISCUSSION OF AGENDA**
- **DISCUSSION OF POSSIBLE RELOCATION OF THE ELMER FLICK STATUE**
- **DISCUSSION OF POSSIBLE RELOCATION OF THE TIME CAPSULE**
- **DISCUSSION OF CRIMINAL ACTIVITY NUISANCE – Ord. No. 7702-05**
- **DISCUSSION OF POWERS ROAD – Schuman/Gambosi**
- **DISCUSSION OF TRIBUTE BANDS - Angelo**
- **DISCUSSION OF ST. PETER CHANEL - Angelo**
- **DISCUSSION OF MASTER PLAN**
- **EXECUTIVE SESSION -** Personnel – Council Clerk
Personnel – Schuman
Personnel – Gambosi

Bedford, Ohio

April 15, 2013

Bedford City Council met in a work session at Bedford City Hall on Monday, April 15, 2013 at 6:00 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizsak, Greg Pozar, Don Saunders. Administration: City Manager Henry Angelo, Finance Director Frank Gambosi, Law Director Ken Schuman, Clerk of Council Pro-Tem Michelle Hollo, Service Director Clint Bellar. Absent: None.

Also Present: Glenn Rayner (Powers Road resident), Joyce Daunch (Bedford Arts & Cultural), Jon Lindow (Finance Department), Tim Taylor and Jim Wagner (Elmer Flick Committee).

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Councilman Batten requested a change to the work session minutes of April 1, 2013. Mr. Batten stated the minutes should be amended to reflect that someone made a statement that a septic system cost \$25,000 and he inquired if that was a correct price instead of he made a statement about the cost of a septic system being \$25,000. Council agreed to amend the minutes.

Council had no amendments to the minutes of the Regular Meeting of April 1, 2013, the Special Work Session of April 4, 2013, and the Wards 1 & 2 Meeting of April 8, 2013.

Mayor Pocek stated there will be a Proclamation presentation for the Bedford Police Dispatchers for National Public Safety Telecommunicators Week.

Ordinance No. 9067-13 authorizes the City Manager to enter into an agreement with State Alarm Systems. Mr. Angelo explained this is for the installation of four cameras at City Hall at the Water Department counter, Tax Department counter, Reception area, and the hallway in the Administration office area. There are currently cameras at the Water counter and Reception area but you can only see the back of the visitor's head. The cameras could be monitored from any work station with the software installed and a password assigned.

Mr. Schuman explained a motion was required to reject the bids for the Commercial Water Meter Replacement – Phase II project. There was one bid received for the bid opening, but a second bid did not arrive in time. This second bidder also forgot to complete a component of the bid. The City Engineer and Mr. Schuman felt it would be best to reject the bids and rebid the project. Mr. Bellar added we are currently bidding the commercial water meters. The replacement project would be re-bid after the bid opening for these water meters.

The Planning Commission approved the application for Bedford Nissan to construct a 2,000 square foot addition. Mr. Angelo explained this addition was ordered from the Corporate Headquarters and the addition would be painted the same color as the building. Council agreed to accept the recommendation.

The Planning Commission approved the request for the UH Council of Governments Dispatch Center at UH Bedford Medical Center. Mr. Schuman explained he was contacted by Dave Matty regarding the current Chagrin Valley area dispatch center relocating to UH Bedford Medical Center. Mr. Matty requested Planning Commission approval. Council agreed to accept the recommendation.

Discussion of the Regular Meeting agenda was concluded.

Discussion of Possible Relocation of the Elmer Flick Statue

Mr. Angelo has learned that the Bedford Commons is not actually reserved for Veterans so Council could decide to put the statue on the Square.

Discussion held about locations on the Square for the Elmer Flick statue. The Los Gallos location is too small. An area of 20' X 20' is needed. The area behind the Christmas tree would be more visible than next to the train depot. A concern with the location behind the Christmas tree was the large tent put up for the Celebration of the Arts - Weekend of the Pooka. There is not another area large enough for this tent. Using two small tents would actually take up more room because of the stakes and paths. It was suggested the Christmas tree be cut down and the statue located in that spot. It was noted there are ADA regulations that need to be complied with.

Councilman Batten is not in favor of the statue being on the Square. Mr. Batten is active with several of the events on the Square and considers anywhere on the Square to be bad for the festivals and suggested the statue be located on City Hall property where there is more visibility and would not interfere with any events.

Tim Taylor, Elmer Flick Committee member, stated he does not have knowledge of what goes on at the Square but the decision should be made on where it looks best, where it is most effective and where there is a sight line. Mr. Taylor was instrumental in the Automile donating \$20,000 as he presented it to the Automile as something very special and they would want to be a part of this. Mr. Taylor had suggested to them the statue could be a marketing tool for them to rebrand as "Bedford Hall of Fame Automile". The Automile most likely sees something in it for them and Mr. Taylor believes they probably are expecting it be prominently displayed.

Councilman Pozar suggested the northeast corner of the Square. Discussion held regarding the greater visibility and access from the entranceway sidewalks. The Ohio Historical marker could be moved. With the exception of Councilman Batten, all other members of Council agreed on the northeast corner of the Square location.

Mr. Angelo reported that the \$5,000 deposit was sent for the statue. There will be a table at the City Hall Open House displaying the rendering and information. We will continue to provide information in the utility bill.

Tim Taylor and Jim Wagner are working with the Bedford High School reunion committees and the Alumni Association to sell bricks to Bedford High School alumni.

Discussion of Possible Relocation of the Time Capsule

No discussion needed on this topic since the final location of the Elmer Flick Statue will not affect the time capsule.

Criminal Activity Nuisance

Mr. Schuman stated we are aggressively enforcing this ordinance. We are only charging the actual cost of the call and we have not been challenged. Mr. Schuman does not think we can be any more aggressive. Discussion held regarding the possibility of adding a penalty or administrative fee in addition to the actual charges.

It was discussed that the police officers at times make a determination an event is minor and do not document the call, therefore, there is no official record of previous complaints. Comments included:

1. The police are very busy and need to have the ability to use their discretion and not write up every incident.
2. There should at least be a log of the complaint with a location, date and time.
3. The goal is compliance and not necessarily citing.
4. The police should notice cars on lawns and garbage out early.
5. Officers and/or auxiliaries handing out a pre-printed warning card to offenders of non-criminal offenses, i.e. barking dog, loud radios.
6. An incident may seem minor to an officer, but is major to affected resident(s).

Council agreed the police are very busy and do a good job. Mr. Angelo will share with Chief Duber that Council wants the officers to be more aggressive, but they still need to use discretion.

Discussion of Powers Road

Mr. Schuman reported at this time we cannot make this project part of the current bond issue. Mr. Schuman explained the assessment process:

1. Council must authorize the Engineer to develop plans and specs.
2. The Engineer prepares plans and specs and files with the Clerk of Council.
3. The total cost is estimated.
4. Determine how to assess. Mr. Schuman suggested front footage is the best way.
5. Estimated assessments determined. Council passes Resolution of Necessity.
6. Property owners advised by certified mail of :
 - a. Project
 - b. Total cost
 - c. Estimated special assessment for each owner.
7. Owners get two weeks to state whether they will sustain damage or assessment is unfair.
 - a. If no complaint, Council passes Resolution to Proceed.
Go out for bid – after bids, bond and assess or pay out of general fund and assess.
 - b. If one complaint, Council must create Assessment Equalization Board:
 - 3 disinterested people, public hearing
 - Board can adjust assessment or keep same
 - If Board adjusts, process starts over
8. Final costs determined.

Mr. Schuman explained that Powers Road resident Glenn Rayner needs to have an Easement by Necessity. Mr. Rayner is having difficulty finding an attorney that will assist him in obtaining this easement. It is Mr. Schuman's opinion that Mr. Rayner is able to obtain this easement and the City's bond counsel preliminary agrees, but they are researching the issue further. If Mr. Rayner's neighbor (Stack) does not agree to the easement, than it would need to become a civil lawsuit between the neighbors and the City cannot be involved. If all three neighbors would agree to the easement, it could be completed and recorded in 90-120 days. The City also needs to obtain an easement for the lift station on Stack's property.

Mr. Pozar stated the five affected Powers Road residents attended an informational meeting Thursday night. Further discussion involved the maintenance of the pump on Stack's property, the City moving the electrical meter from Reffner's property, and the new permits/inspections the Board of Health is requiring for septic systems. The residents will be required to obtain a NPDES permit every five years for \$200. The septic system at 133 Powers has failed its recent inspection. Mr. Pozar contacted the previous owner, Mr. Tuernemann. Mr. Tuernemann told Mr. Pozar it is a state-of-the-art septic tank and possibly the current owners are not aware of a switch to alternate between two leach fields. Mr. Rayner shared that a contractor started work today at that property to install a new septic system. Mr. Angelo or Mr. Pozar will contact the current owner of 133 Powers and advise them of the switch.

If the residents are assessed, it is estimated it would be \$1,000 a year for the next 20 years. That estimate could change depending on how many residents would be involved. Some of these residents could be exempt from having to tie-in to the proposed sanitary sewer due to the distance.

Mr. Rayner stated his attorney said because his sewer line is underneath his neighbor's home, the attorney will not prepare an easement document. Mr. Pozar asked Mr. Schuman if he could assist Mr. Rayner in any way. Mr. Schuman will put Mr. Rayner in contact with the attorney who is currently looking into this situation for the City.

Council determined at this time not to go forward with the proposed sanitary sewer improvement and assessment.

Discussion of Tribute Bands

Mr. Angelo stated a decision needed to be made soon whether we would have tribute band concerts this year. No money has been appropriated for these concerts. There is only the \$17,000 that was appropriated for the fireworks company. Mr. Angelo stated that five events would cost approximately \$12,000. This \$12,000 estimate includes the concerts, security, and maintenance for five events. The civic organizations would be asked if they would be interested in setting up a beer tent and keeping the proceeds.

Mr. Pozar does not agree with replacing the fireworks with the tribute bands. Mr. Pozar said the City should save the money instead of cancelling the fireworks and spending the money anyway.

Discussion held regarding ways to bring people downtown and also offering a family activity. Examples of other communities with successful events are University Circle, Cuyahoga Falls, and Oakwood. Mr. Angelo is going to contact Bob Early, who is involved in the events in Cuyahoga Falls, for input/suggestions.

With the exception of Councilman Pozar, all other members of Council agreed to go forward with tribute bands this year.

Discussion of St. Peter Chanel

Mr. Angelo, Mike Mallis and Larry Stouffer met the maintenance person for the Cleveland Diocese at the school last week. The Diocese has requested the City allow them to board the windows, which is prohibited by ordinance. The City suggested they install a chain link fence. The Diocese maintenance person said they may board the windows from the inside and paint to look like windows. The Diocese requested Mr. Angelo forward the request to Council.

The Diocese is concerned about vandalism. Mr. Angelo checked with the Police Chief and there are no problems with vandalism in that area. This issue came up before with St. Mary's and Mrs. Zolata fought it. Council understands they need the building secured, but the windows cannot be boarded up and it cannot look like a vacant building. Discussion held on permitting Plexiglas on the inside.

Mr. Angelo said the property is 35 acres and the Diocese plans on selling it. The property is for sale for \$1.9 million. They will install a security system and will continue to landscape the property.

All members of Council agreed to not allow the windows to be boarded up. Mr. Angelo will contact the maintenance person for the Diocese and advise him Council agreed to the installation of Plexiglas.

Discussion of Master Plan

Mayor Pocek stated Council needed to devote a two hour time period to go through all the points and the recommendations of the Master Plan Review Committee. At the May 6, 2013 work session, one hour will be allotted for Master Plan discussion.

Work Session adjourned at 7:40 p.m.

At this time, Bedford City Council and Law Director Ken Schuman went into an executive session to discuss Personnel – Schuman.

At 7:59 p.m., Bedford City Council temporarily adjourned executive session to conduct regular Council meeting.

Executive session reconvened at 8:44 p.m. to continue discussion on Personnel – Schuman. Mr. Schuman excused at 9:04 p.m.

At 9:05 p.m., Bedford City Council and Finance Director Frank Gambosi went into an executive session to discuss Personnel – Gambosi. Mr. Gambosi excused at 9:49 p.m.

At 9:50 p.m., Bedford City Council went into an executive session to discuss Personnel – Council Clerk.

Executive Session adjourned at 10:07 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 April 1, 2013
- b. Approval of Minutes of the Regular Meeting of April 1, 2013
- c. Approval of Minutes of the Special Work Session of April 4, 2013
- d. Approval of Minutes of the Wards 1 & 2 Meeting of April 8, 2013

5. PRESENTATIONS

“National Public Safety Telecommunicators Week”

6. REPORTS

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

7. NEW BUSINESS

- a. Ordinance No. 9067-13 authorizing the City Manager to enter into an agreement w/State Alarm Systems (\$3,144)
- b. Motion to reject the Commercial Water Meter Replacement Bids – Phase 2
- c. Motion to accept the April 2, 2013 recommendation of the Planning Commission regarding Bedford Nissan Bedford Nissan – 18115 Rockside Road – Site Plan and Addition Approval
- d. Motion to accept the April 2, 2013 recommendation of the Planning Commission regarding the UH Council of Governments Dispatch Center

8. HEARING OF CITIZENS

9. ADJOURNMENT

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

Bedford, Ohio

April 15, 2013

Bedford City Council met in Regular Session at Bedford City Hall on Monday, April 15, 2013. Mayor Pocek called the meeting to order at 8:05 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Absent: None.

Mayor Pocek asked for a moment of silence for those who lost their lives in the Boston, MA tragedy.

Motion made by Zolata seconded by Mizensak to appoint Michelle Hollo Acting Clerk of Council this evening. The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Mizensak and seconded by Zolata to approve the minutes of the Work Session of April 1, 2013 as amended by Mr. Batten. Mr. Batten stated the minutes should be amended to reflect that someone made a statement that a septic system cost \$25,000 and he inquired if that was a correct price instead of he made a statement about the cost of a septic system being \$25,000.

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

Motion made by Batten seconded by Koci to approve the minutes of the Regular Meeting of April 1, 2013. The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

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

Motion made by Koci and seconded by Zolata to approve the minutes of Wards 1 & 2 Meeting of April 8, 2013. The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Mr. Schuman thought this was a long overdue Proclamation. The Presentation this evening was for the Dispatchers for “National Public Safety Telecommunicators Week”. He stated Bedford had the finest Dispatchers in the area. This was a very stressful job and this group did their job very well. He felt it was an honor to read the Proclamation this evening. Mayor Pocek had Mr. Schuman read the Proclamation in its entirety because he worked closely on a daily basis with this department. Mr. Angelo reiterated the stress level of this position knowing lives depended on their accurate reporting. Mr. Koci reiterated the stress level of this position. Mrs. Zolata thanked the Dispatchers for their assistance. Mr. Gambosi appreciated their work. Mrs. Hollo felt they all did a great job; this job had to be done mistake free. Mrs. Mizensak thanked them all for their efforts; there were not enough words to express her kind thoughts of the positions they hold. Mr. Pozar assured the Dispatchers that everyone appreciated their stress levels each day. Mr. Saunders thought they did an excellent job. He gave them a lot of credit for choosing this profession. Chief Duber stated he could not say enough for the well performed jobs all the Dispatchers did on a daily basis. He apologized for not doing this Proclamation every year, but he just found out that this week was in honor of “National Public Safety Telecommunicators Week”. He introduced five of the Dispatchers that were present this evening. Local businesses provided free meals to the Dispatchers all this week as an appreciation of their efforts.

No report from City Manager, Henry Angelo.

No report from Law Director, Ken Schuman.

Finance Director, Frank Gambosi, said the Tax Department would be accepting tax filing customers on April 16, 2013. He announced the Fun Run, Pancake Breakfast and Health Fair this Sunday, April 21, 2013.

No report from Councilman Batten.

Councilman Koci announced the FriDates event as The Most Southern Blues Band performing Argentine Latin, pop and blues at the Old Church on the Square.

Councilwoman Zolata urged the residents to be the "eyes and ears" of Bedford and to contact the Police Department if they saw anything suspicious to continue the quality of life Bedford enjoyed.

Councilwoman Mizzsak reminded everyone on April 22, 2013, Wards 3 & 4 would be having a meeting at 7:00 p.m. The meeting would be approximately two hours long.

Councilman Pozar had many concerns this evening:

Council just had a discussion regarding the cancellation of the fireworks this year and the use of the funds that would normally be saved for that and perhaps is providing bands to the City for a number of occasions that would then serve as a quasi-Independence Day alternative. He stated for the record: He believed the Arts and Cultural Board was doing a wonderful job of that very endeavor and so was the Community Council when they chose too. The providing bands for these functions; was a function of the City. One of the main arguments against the fireworks was "blowing up" \$17,000-\$20,000 and they thought we should save that money instead of "blowing it up" but like government to do they find another way to use it or lose it. He stated for the record that he was against that.

Mr. Pozar stated as a point of information, there were some of the rumors on the property at St. Peter Chanel. The rumor he heard came from pretty good authority that one of the major high schools out East was going to take over the campus, utilize it, use and maintain the sports facilities and Catholic charities would utilize the administration offices. He understood from the reports Council received that this was not going to happen. Currently for your information, the 35 acre Chanel property was for sale currently for \$1.9 million and anyone that wants insight needed to ask the City Manager.

Mr. Pozar asked for the status of the offer on the property located at 741 Washington Street. Mr. Angelo said the deal had not been completed. There was another house she offered money on because we could not agree on the terms and she could not obtain the loan. Mr. Pozar thought an accurate statement was that the City would yield half of the amount of funds it had in this property. Mr. Angelo was not sure so he could not respond.

Mr. Pozar asked about the billboard located at Broadway Avenue and Forbes Road. Mr. Schuman had researched the situation per Mr. Angelo's request. As distasteful as the billboard was, there was nothing the City could do about it. The billboard was privately owned and it was the billboard owner's political speech. The City had no recourse and the City could not request the owner to remove the sign. Mr. Pozar asked if there was a permit process regarding billboards. Mr. Schuman said the billboard has been there a long time and was grandfathered. Mr. Schuman said he did not think there was a permit process for a specific message on this billboard. With political speech, it could not be limited. Mr. Pozar disagreed with Mr. Schuman; he felt there was a permit process. He remembered a previous issue in Mrs. Zolata's ward regarding the billboard located on Northfield Road and Union Street. He thought Council had a say as to the content on these billboards. Mr. Schuman explained these two specific billboards were addressed differently because the City had an agreement with the company for the billboard at Northfield and Union that they could not advertise tobacco, alcohol or ads that were sexually suggestive. There is no agreement with the owner of the billboard in question. Mr. Pozar requested Mr. Angelo and Mr. Schuman research

this issue further and mail a letter to the owner of the billboard and attached a copy of the minutes to make him aware the City thought the billboard was inappropriate.

Mr. Pozar spoke about the water and sewer line issues on Powers Road. The City and these residents had a meeting to discuss the issues and options. He stated for the record that the conclusion of this meeting was the City would be responsible to transfer the electrical meter to a City owned pole. He thanked Mr. Schuman for researching the "easement of necessity" that would effectively remove some of the impediments of selling at least two of the properties on the south side of the street.

Councilman Saunders said the billboard in question was a former business sign for the auto dealership and detailing shop. During the last Mayoral election, the sign was turned into a billboard. It was not issued a permit as a billboard but rather a business sign. This same property owner removed the State of Ohio/ODOT limited access fence that eliminated shortcutting. The fence is still lying there off the posts. He felt the entire property should be looked at a little stronger. He asked Mr. Angelo to contact the phone and cable representatives so they could address their lines still on the half poles in the Presidential section of the city. First Energy has their lines on the new poles and cut the tops off the old poles. The residents would like their tree lawns restored.

ORDINANCE NO. 9067-13, an ordinance authorizing the City Manager to enter into an agreement with State Alarm Systems, Inc. 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: Mizsak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. Nays: None. Motion carried unanimously.

Motion made by Mizsak seconded by Saunders to place Ordinance No. **9067-13** on third and final reading and passed.

Mr. Schuman explained this was for the installation of four cameras at City Hall for additional security. A couple of the cameras were going to be adjusted for better visual surveillance.

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

Motion made by Zolata seconded by Koci to reject the Commercial Water Meter Replacement – Phase 2 Bids.

Mr. Schuman explained the City Engineers estimate was \$96,000. There was an issue with a bid not being delivered on time from the Post Office and it was also missing an item in the bid so it is unknown what the true bid of this bidder was. The project would be re-bid.

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

Motion made by Koci seconded by Batten to accept the April 2, 2013 recommendation of the Planning Commission regarding Bedford Nissan – 18115 Rockside Road – Site Plan and Addition Approval.

Mayor Pocek explained this would be a small addition to the existing building.

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

Motion made by Mizensak seconded by Zolata to accept the April 2, 2013 recommendation of the Planning Commission regarding the UH Council of Governments Dispatch Center.

Mr. Schuman explained this Dispatch Center would be located in the basement at the University Hospital Bedford Medical Center. He had recommended the Planning Commission be aware of the issue and seek their approval.

The roll was called. Vote – Yeas: Mizensak, Pocek, Pozar, Saunders, Zolata, Batten, Koci. 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. Koci mentioned the dedication of the new Automile signs on Rockside Road and Broadway. Other than that, there were no comments from any residents.

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

Meeting adjourned at 8:37 P.M.

Council reconvened in Executive Session at 8:44 p.m. to continue discussion on Personnel - Schuman.


Clerk of Council Pro-Tem


Mayor – President of Council