

COUNCIL WORK SESSION

JANUARY 7, 2019

6:30 P.M. PROMPT

- **DISCUSSION OF AGENDA**

- **DISCUSSION OF “CRIMINAL ACTIVITY NUISANCES, COSTS OF ENFORCEMENT”**
(§511.12 (B) (2)) – (Ord. #9523-17) – (12/17/18)

- **DISCUSSION OF “COLLECTION AND DROP OFF BOXES”**
(§1341.24) – (Ord. #9087-13) – (12/17/18)

- **DISCUSSION OF SECTIONS 915.07 “MANNER OF COLLECTION; PLACEMENT AT CURB” & 915.99 “PENALTY”** – (Ord. #8059-08 / #7761-05)

- **EXECUTIVE SESSION** – (Personnel / Economic Development / Litigation)

PLEASE TURN OFF ALL CELL PHONES BEFORE MEETING
(Council Minutes and Agendas posted at www.bedfordoh.gov)

Bedford City Council met in a Work Session at Bedford City Hall on Monday, January 7, 2019 at 6:33 p.m.

Present: Council Members: Vice-Mayor Paula Mizsak, Victor Fluharty, Walter Genutis, Donald Saunders, Sandy Spinks and Heather Rhoades. Absent: Mayor Stan Koci. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Michael Mallis, Law Director John Montello and Finance Director Frank Gambosi.

Vice-Mayor Mizsak began discussion of the Regular Council Meeting agenda.

Per Councilwoman Spinks there was one slight change to the December 17, 2018 Regular Council Minutes and no changes to the Work Session Minutes.

The motion to appoint John Montello as the City's designee for the Ohio Auditor of State's Office Public Records Training. It was explained the City had to send a representative/designee for this training. There were no questions or concerns.

DISCUSSION OF "CRIMINAL ACTIVITY NUISANCES, COSTS OF ENFORCEMENT"
(§511.12 (B) (2)) – (Ord. #9523-17)

Ordinance No. 9523-17 currently read:

(a) The following activities occurring on properties in the City of Bedford or involving an offender residing at a property within the City of Bedford are hereby declared to be a public nuisance:

(1) Any violation of a City of Bedford ordinance or the Ohio Revised Code excluding traffic violations.

(b) The City Manager and Director of Law shall have full authority to abate such nuisances specified in subsection (a) hereinabove in accordance with law, and law enforcement costs incurred by the City. The property owners shall be charged \$250.00 for the first offense following a warning, \$500.00 for a second offense, \$750.00 for a third offense and \$1,000.00 for any subsequent offenses. An additional \$100.00 administrative costs will be charged if not paid within the time prescribed in (b) (2) in abating any such nuisance. Any charges not paid as prescribed shall be certified to the County Fiscal Officer in accordance with law to be assessed as a lien on the real estate from which the nuisance originated or of which the same offender resides in provided however, that such costs shall not be certified unless the following conditions have been met:

(1) Two or more nuisance activities have occurred on or with relation to the same premises within a one year period or one felony drug activity in violation of Chapter 2925 of the Ohio Revised Code or equivalent federal laws has occurred on the premises, and

(2) Prior to the actual certification of any administrative and law enforcement costs pursuant to this section, the City Manager or his designee shall give at least thirty (30) days advance written notice of intent to certify such costs to the owner of the real estate against which the costs are to be certified. The owner of said real estate may appeal such intended certification to the Board of Building Standards and Appeals [§1307.06 "Powers"], which may affirm, reverse, or modify the proposed certification. All appeals must be filed within ten (10) days of the mailing/posting of the notice of intended certification.

(3) Administrative and law enforcement costs shall not be charged against an owner who establishes:

A. He had no knowledge of the nuisance activities on the premises and could not, with reasonable care and diligence, have known of the nuisance activities occurring on the premises; and

B. Upon receipt of notice of the occurrence of nuisance activities on the premises, he promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

Per Codified Section 1307.06 "Powers" of the Board of Building Standards & Appeals were as follows:

The Board of Building Standards and Appeals shall have the power, subject to the limitations and in the manner set forth in this Building Code, to:

- (a) Affirm or reverse, in whole or in part, or modify, any decision of the Building Commissioner interpreting the provisions of this Building Code;
- (b) Vary the application of any provision of this Building Code to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and the purpose of this Building Code or the public interest;
- (c) Determine if any material or method of construction may be used, even though not specifically authorized by this Building Code, and specify the manner in which such materials and methods shall be used;
- (d) Determine any requirement for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Building Code, or not readily interpretable from the provisions of this Building Code;
- (e) Determine whether any proposed rule of the Building Commissioner supplements or aids in the interpretation of the requirements of this Building Code and is consistent therewith, and affirm, amend, modify or nullify any such proposed rule;
- (f) Establish rules and regulations, conditions and qualifications for the registration, licensing or certification of qualification of any person performing work or providing services under this Building Code;
- (g) Report and Recommend to Council any amendment, deletion or addition to this Building Code.
- (h) The Board is not authorized to substantially alter or modify the mandatory provisions of this Building Code. (Ord. 7215-00. Passed 3-6-00.)

At the December 2018 Work Session Council and the Administration reviewed several codified samples from other cities. The information was to determine a more appropriate Board for Criminal Nuisance calls. Since 2005 the issues had been placed on the Board of Building Standards & Appeals which per Section 1307.06 "Powers" did not apply. The discussion topics to be considered for January were: 1) peers should handle the appeal, 2) possibly creation of a new Board, 3) the need to appoint qualified people who understand criminal nuisances, 4) exclude Council members on the Board, 5) exclude the Police Department designee from having voting powers, 6) residents may feel a moral obligation to volunteer for this type of Board, 7) it was difficult to find volunteers to serve on some of the Boards, 8) realizing society was changing, 9) domestic violence needed to be addressed in the section, 10) list the various reasons for criminal nuisances, 11) create an assistance type program for criminal nuisances similar to the Safe Passage Program, and 12) consider a Police Department designee, the City Manager and the Law Director be present for the meetings.

Discussion was held regarding the delicate topic of "domestic violence" and how it was handled differently per community and Court systems. It was determined Bedford Officers were trained professionally on this specific topic and handled them accordingly. The Administration was also understanding and worked with the residents when there were difficult situations. Mr. Mallis said Bedford was not one of those communities that had numerous domestic violence problems so it wasn't a real problem. He explained a few different situations the Police Department and Administration had experienced over the 13 years of dealing with criminal nuisances and how they were handled. Some of Council was familiar with domestic violence situations and the sensitivity of dealing with autistic children. Mr. Mallis assured Council the Police Department understood these situations and were willing to work with the families. It was questioned as to how many criminal nuisance appeals had been requested. Clerk Villers remembered attending meetings since she was hired in 2011 but would look into it. She asked Mr. Gambosi if he thought these types of issues could be addressed through the Assessment Equalization Board. He thought it wasn't a good fit for the duties of that Board.

It was mentioned maybe criminal nuisances should stay the same and be addressed as it had been under Building Codes. Clerk Villers replied per Codified Section 1307.06 "Powers" of the Board of Building Standards & Appeals the criminal nuisances were on the wrong Board. Powers listed as follows:

The Board of Building Standards and Appeals shall have the power, subject to the limitations and in the manner set forth in this Building Code, to:

- (a) Affirm or reverse, in whole or in part, or modify, any decision of the Building Commissioner interpreting the provisions of this Building Code;
- (b) Vary the application of any provision of this Building Code to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and the purpose of this Building Code or the public interest;
- (c) Determine if any material or method of construction may be used, even though not specifically authorized by this Building Code, and specify the manner in which such materials and methods shall be used;
- (d) Determine any requirement for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Building Code, or not readily interpretable from the provisions of this Building Code;
- (e) Determine whether any proposed rule of the Building Commissioner supplements or aids in the interpretation of the requirements of this Building Code and is consistent therewith, and affirm, amend, modify or nullify any such proposed rule;
- (f) Establish rules and regulations, conditions and qualifications for the registration, licensing or certification of qualification of any person performing work or providing services under this Building Code;
- (g) Report and Recommend to Council any amendment, deletion or addition to this Building Code.
- (h) The Board is not authorized to substantially alter or modify the mandatory provisions of this Building Code. (Ord. 7215-00. Passed 3-6-00.)

Mr. Mallis said the focus was whether Council wanted to consider a different Board for these types of issues. Additional new discussion topics to be considered for January 22nd were: 1) decide who was to be present at the meetings; the consensus was a Police Department representative and the Law Director, 2) possible Court employee volunteers for a new Board since they were familiar with these types of situations, 3) appoint qualified residents to a new Board, and 4) to exclude Council and Administration from being Board members. This issue would be discussed at the January 22nd Work Session.

DISCUSSION OF "COLLECTION AND DROP OFF BOXES" (§1341.24) – (Ord. #9087-13)

Previously Mrs. Rhoades requested this issue be placed on the agenda for discussion. She felt the bright yellow box located in the Los Gallos parking lot was an eyesore; however, since the December meeting it had been removed. She suggested the organization who wanted to place one of these type boxes should have to go through the Building Department for either a \$25 permit or a registration fee. Mr. Mallis would review the information with Building Commissioner Calvin Beverly for his input for the next meeting.

Section 1341.24 currently read as follows:

Collection drop off boxes may be placed in the City only in commercially zoned districts and are permitted with the following conditions:

- (a) Boxes must be placed on hard surfaces such as asphalt or concrete. Boxes may not be located in parking spaces if it reduces the available spaces below that which is required for occupancy. Boxes may not be located in a fire lane or within ten feet of a structure. No box may be located in an area which creates a hazard to visibility or flow of traffic or pedestrians on public or private property.

(b) Responsibility for keeping the area clear and clean around boxes shall be shared with the property owner, the leaseholder and the entity providing the box. Bags, boxes and debris around the box shall be immediately removed. The Building Commissioner may order the removal of any box where repeated violations are found.

(c) No more than two boxes may be located on any property. Property, for this section, is defined as a free standing occupancy, a shopping center or a strip center regardless of the number of parcels making up these properties.

DISCUSSION OF SECTIONS 915.07 "MANNER OF COLLECTION; PLACEMENT AT CURB" & 915.99 "PENALTY" – (Ord. #8059-08 / #7761-05)

Sections 915.07 and 915.99 currently read as follows:

915.07 MANNER OF COLLECTION; PLACEMENT AT CURB.

All refuse garbage shall be placed in suitable containers and placed at the curb no earlier than 6:00 p.m. the evening before, or by 7:00 a.m. of the day for regular pickup. All empty containers shall be removed from the curb within twelve hours after pickup. No garbage or refuse containers shall be stored or placed in front of the building line of any property at any other time. No garbage or trash shall be placed in front of any building or property other than that where the waste material originates. Garbage or trash that is placed at the curb or otherwise left forward of the front building line of the building at any other time of the week than that permitted shall be cleaned up at the earliest possible time by agents of the City of Bedford and the cost of said cleanup and resultant disposal shall be charged to the owner and/or persons in control of the property. (Ord. 8059-08. Passed 4-7-08.)

915.99 PENALTY.

Any violation of any of the provisions of this chapter shall be considered a minor misdemeanor, punishable by a fine up to one hundred fifty dollars (\$150.00). Each day's continued violations shall constitute a separate offense. (Ord. 7761-05. Passed 9-19-05.)

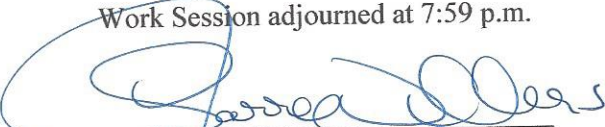
Submitted in the packet were Garfield Heights Codified Ordinance section for Council review; there were no points made for consideration. Discussion was held whether to treat the citation/fee similar to a parking ticket and if the violator didn't want to pay the fee they could address the matter through the Court system with the addition of Court costs. Currently the Police Department could fine up to \$150.00 but this penalty hadn't been enforced. A thought was to have either the Building Department, Service Department or Auxiliary issue the citations, ticket or fees after the second warning. Concerns were this issue would not be taken seriously by some residents just like the parking tickets and water shut offs. For example, the repeat parking violators on Logan Street paid several parking tickets as if it didn't matter. This issue would be discussed at the January 22nd Work Session.

Motion made by Rhoades seconded by Genutis to go into executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation. The roll was called. Vote – Yeas: Mizsak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

At 7:40 p.m., Bedford City Council, City Manager Mike Mallis and Law Director John Montello went into an executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation.

Executive Session adjourned at 7:57 p.m.

Work Session adjourned at 7:59 p.m.


Clerk of Council


Mayor - President of Council

REGULAR MEETING
AGENDA

BEDFORD CITY COUNCIL
STATE OF OHIO
COUNTY OF CUYAHOGA

DATE: JANUARY 7, 2019
TIME: 8:00 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
 - a. Approval of Minutes of the Work Session of December 17, 2018
 - b. Approval of Minutes of the Regular Meeting of December 17, 2018
5. **PRESENTATIONS** – Swearing in Kellermann & Futo / Certificate of Recognition McDaniel
6. **OLD BUSINESS** –
7. **REPORTS**
 - a. City Manager
 - b. Law Director
 - c. Finance Director
 - d. Council Reports
8. **NEW BUSINESS**
 - a. Motion to appoint John Montello as the City’s designee for the Ohio Auditor of State’s Office Public Records Training
9. **HEARING OF CITIZENS**
10. **ADJOURNMENT**

PLEASE **TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING**
(Council Minutes and Agendas posted at www.bedfordoh.gov)

Bedford City Council met in Regular Session at Bedford City Hall on Monday, January 7, 2019. Vice-Mayor Mizesak 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: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Absent: Mayor Koci.

Motion made by Spinks seconded by Genutis to excuse Mayor Koci. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

Motion made by Genutis seconded by Spinks to approve the minutes of the Work Session Meeting of December 17, 2018. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

Motion made by Rhoades seconded by Saunders to approve the minutes of the Regular Meeting of December 17, 2018. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

Vice Mayor Mizesak swore in the promotions for Lieutenant Kellerman and Sergeant Futo. Council and the Administration congratulated Lieutenant Kellerman, Sergeant Futo. Lieutenant Kellerman and Sergeant Futo introduced their family and friends and thanked Council, the Administration and Civil Service Commission for their support. Police Chief Martin Stemple explained with the recent promotion of Lieutenant Kellerman it allowed him to re-arrange his staff and place another Officer for street patrols. Vice-Mayor Mizesak presented Barbara McDaniel a Certificate of Recognition for the 2018 Citizen of the Year by Bedford Community Council. Council and the Administration thanked Ms. McDaniel for her efforts. Ms. McDaniel thanked Council, the Administration and Community Council for recognizing her.

The motion to appoint John Montello as the City's designee for the Ohio Auditor of State's Office Public Records Training.

Motion made by Spinks seconded by Fluharty to appoint John Montello as the City's designee for the Ohio Auditor of State's Office Public Records Training.

The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

City Manager Michael Mallis reported State of the City Address was scheduled for January 30, 2019 at LOHV at noon. The Service Department had completed the leaf pickup for the season. As requested the Community Diversion program and a couple employees picked up the litter near the former Moonglow. The Administration would be moving forward with the Land Bank demolitions of the former Moonglow and four (4) residential homes. Currently the pending grants were: the Clean Ohio and Trail, the various new signage project and the CDBG.

No report from Law Director John Montello.

Finance Director Frank Gambosi reported the next Tax Department demonstration regarding the new Tax Program was January 9th from 6:00 p.m. to 7:00 p.m. at City Hall. He explained starting January 16th the residents would be able to set up their pin number which would need changed every year.

Councilman Genutis thanked the Bedford Downtown Alliance for their monthly clean-up efforts. He was pleased with the efforts of Police Chief Stemple in re-arranging the Officers allowing an additional street patrol Officer. He felt Ms. McDaniel was well deserving of her recognition and he was impressed with her knowledge of numerous types of plants and shrubs.

Councilman Fluharty appreciated the litter being cleaned up at the former Moonglow; however, he pointed out some of the apartment buildings needed attention.

Councilman Saunders appreciated the City recognizing the Orthodox Christmas by leaving the Christmas lights lit on the City Square. He was pleased 20 Elm Street would be demolished in 2019. He pointed out someone had dumped a lot of litter on Ennis and it was blowing around the area.

Councilwoman Rhoades welcomed volunteers to assist for one hour on the first Saturday of each month for the Historical Downtown litter clean-up. She announced the Valentine Day Chocolate Walk ticket sale would start January 16th. She invited everyone to join the First Friday's March for Art in support of the talented young artists and at the event you can view their artwork, enjoy music and eat free food.

Councilwoman Spinks appreciated Mrs. Rhoades supporting the local talented young artists. She asked Mr. Mallis if the chipper service was done for the season because there were branches on tree lawns throughout the City. She explained Council and the Administration had been discussing a citation/fee for those who violate Section 915.07 entitled "Manner of Collection; Placement at Curb". Residents were not adhering to the rules/laws concerning placement of their rubbish at the curb for collection and they were placing their rubbish out too early and leaving their containers at the curb for several days after Kimble collected. Currently Section 915.99 stated a fine of \$150.00 for those who were in violation and she felt there was need to enforce it. She was excited and honored to be chosen as one of the finalist in the top 10 artists at the Gallery Plus 78th Street Studios out of 200 local artists.

Vice-Mayor Mizensak requested clarification regarding the difference between Airbnb and Bed and Breakfast type businesses. Mr. Mallis explained the Administration would decide the direction the City would take after a complete understanding of it and whether it was going to be considered a short term rental or not. Mrs. Mizensak talked about a situation regarding possible gun fire during the New Year's celebration. Mr. Mallis clarified there was no guns being fired/shot and nobody got hurt. Mrs. Mizensak announced the next Council meeting would be Tuesday, January 22nd and January 21st was National Squirrel Day and National Hug Day.

Vice-Mayor Mizensak said that concluded the business portion of the meeting and asked if anyone in the audience had any comments.

Barbara McDaniel, 186 Center Road, asked where she was supposed to put her tattered flag since there was no collection box in the City Hall lobby. Mr. Mallis took the flag for proper disposal.


Bill Astalos, 685 Archer, wished everyone a Happy New Year.

Ann McPherson, 22 Cresswell, pointed out the renters at 21 Cresswell have enough trash for 30 people and they park in their driveway and street all hours of the night. The neighbors were tired of maneuvering their cars around the cars parked in the street. She said Dispatch had been called and she had pictures of the parked cars during the hours of 1:00 a.m. and 5:00 a.m. for the City Manager.

Vice-Mayor Mizensak asked if there were any further comments. There being no reply, motion made by Genutis seconded by Spinks to adjourn. The roll was called. Vote – Yeas: Mizensak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

Meeting adjourned at 8:49 P.M.


Clerk of Council


Mayor - President of Council