

**COUNCIL WORK SESSION**

**OCTOBER 1, 2018**

**6:30 P.M. PROMPT**

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- **DISCUSSION OF AGENDA**
- **FIRST ENERGY KEVIN SMALLEY INTRODUCTION**
- **DISCUSSION OF PLANNING COMMISSION APPOINTMENT**  
(8/6/18 – 9/4/18 – 9/17/18 Interviews)
- **DISCUSSION OF HAWTHORNE VALLEY YOUTH COUNCIL**  
(5 Students / \$1,750)
- **EXECUTIVE SESSION** – (Personnel / Economic Development / Litigation) (45 mins)

**PLEASE TURN OFF ALL CELL PHONES BEFORE MEETING**  
(Council Minutes and Agendas posted at [www.bedfordoh.gov](http://www.bedfordoh.gov))

Bedford City Council met in a Work Session at Bedford City Hall on Monday, October 1, 2018 at 6:36 p.m.

Present: Council Members: Mayor Stan Koci [left at 8:00 p.m.], Heather Rhoades, Victor Fluharty, Sandy Spinks, Walter Genutis, and Donald Saunders Absent: Paula Mizzak. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Michael Mallis, Finance Director Frank Gambosi, Law Director John Montello and Assistant Finance Director Jennifer Howland [left at 7:30 p.m.].

Visitor: First Energy Kevin Smalley. Resident: Jeff Asbury.

Mayor Koci began discussion of the Regular Council Meeting agenda.

There were no changes to the September 17, 2018 Work Session and Regular Council Minutes.

ORDINANCE NO. 9636-18 AN ORDINANCE AMENDING ORDINANCE NO. 9546-17 CONCERNING SECTION 913.02 "SEWER RATES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES AND DECLARING AN EMERGENCY

Mr. Gambosi previously explained the monthly minimum charge of twenty four dollars and forty-six cents (\$24.46) would start January 1, 2019. The charges were increased to two and sixty-seven one-hundredths cents (\$0.0267) and four and one one-hundredths cents (\$0.0401) starting January 1, 2019. The sewer fund was not doing well enough to support certain expensive projects. He talked about the various repairs/upgrades that needed to be done at the WWTP per the EPA. The City continued to work with the EPA on a plan utilizing grant monies, Issue 2 money as well as the Port Authority and the County. Discussion was held how the loss of water had improved. It was determined the 9% increase would be enough but it was important for the City to score well to received grant monies.

ORDINANCE NO. 9637-18 AN ORDINANCE AMENDING ORDINANCE NO. 9547-17 CONCERNING SECTION 913.03 "RATE REDUCTION FOR SENIOR CITIZENS AND THE PERMANENTLY DISABLED" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES AND DECLARING AN EMERGENCY

Mr. Gambosi previously explained starting January 1<sup>st</sup> each eligible senior citizen and the permanently disabled persons would pay a monthly minimum sewer service charge of seventeen dollars and twelve cents (\$17.12). Water in excess of 300 cubic feet used each month for a senior citizen would pay: For the first 100 cubic feet of water in excess of such 300 cubic feet, a charge of one and seventy-sixth one-hundredths cents (\$0.0176) and for each cubic foot of water in excess of the first 100 cubic feet would be charged two and sixty-five one-hundredths cents (\$0.0265).

ORDINANCE NO. 9638-18 AN ORDINANCE REPLACING ORDINANCE NO. 7780-05 RELATING TO WATER RATES AND DECLARING AN EMERGENCY

Mr. Gambosi previously explained the changes were as follows: No later than December 15<sup>th</sup> of every year, starting in 2019, the water rates would become effective January 1<sup>st</sup> of the subsequent year. The City of Cleveland had passed a Master Meter Water Increase to \$35.05 for 2019 and \$36.69 from the current rate of \$33.35 a corresponding 5.0975% for 2019 and 4.6790% increase for 2020. His suggested an increase in the water rates in the amount of .0975% for the year 2019. Starting January 1, 2019, the base rate for customers having meters of the following sizes were established as follows:

		<u>2019 Minimum Monthly Charge</u>	<u>2018 Current Charge</u>
5/8" or 3/4"	meter	\$28.47	\$28.44
1"	meter	39.06	39.02
1-1/4"	meter	45.35	45.31
1-1/2"	meter	57.81	57.75
2"	meter	70.31	70.24
3"	meter	132.82	132.69
4"	meter	195.28	195.09
6"	meter	429.61	429.19
8"	meter	570.25	569.69

ORDINANCE NO. 9646-18 AN ORDINANCE AMENDING ORDINANCE NO. 8934-12 SECTION 1105.03 ENTITLED "RENTAL RATES FOR THE ELLENWOOD RECREATION CENTER" AND DECLARING AN EMERGENCY

Mr. Mallis explained after research of what other communities were doing and the additional overtime costs at Ellenwood the Administration suggested the following amendments:

1105.03 FEES, DEPOSITS AND CHARGES

- a) The Parks & Recreation Department, Council and City Officials, Boards and Commissions are permitted to use the Center for any Municipal purpose or function free of charge.
- b) A refundable fifty dollar (\$50.00) damage deposit shall be charged to each group contracting for regular meetings in the Center. Private parties utilizing the gymnasium require a one hundred dollar (\$100.00) security deposit. Private parties utilizing the multipurpose room or classrooms require a fifty dollar (\$50.00) security deposit. Organizations using the Center for regularly scheduled meetings shall be required to keep a security deposit on file with the City for as long as they use the Center. Contracts shall be for one-year periods.
- c) No rental fee will be charged for regular meetings for any room Monday through Friday for contracted senior groups, youth groups, non-profit, charitable, and service groups holding regular meetings no more than once a week. Rates for Friday evening beginning at 5:00 p.m. through Sunday will not be free of charge.
- d) Hourly Rental Fees (minimum 3 hour rental 5:00 pm Friday through Sunday):

1. Gymnasium

- Maximum seating capacity – 120
- Security Deposit – \$100
- Fee – \$75 per hour (includes use of the warming kitchen)

2. Multipurpose Room (Room 4)

- Maximum seating capacity – 80
- Security Deposit – \$50
- Fee – \$55 per hour

3. Classroom

- Maximum seating capacity – 30
- Security Deposit – \$50
- Fee – \$40 per hour



- e) Senior groups and youth groups shall utilize the facilities without charge from Monday through 5:00 p.m. Friday. Non-contracted non-profit, charitable, and service groups whose memberships are composed of at least fifty percent Bedford residents shall only pay seventy-five percent of the fees and deposits as specified previously in this section if such use takes place Monday through 5:00 p.m. Friday. Any group utilizing the facility from 5:00 p.m. Friday to 10:00 p.m. Sunday shall pay the regular rate with no exceptions.
- f) The Parks & Recreation Director or designee will automatically request a security deposit refund be granted to the permit holder once the event concludes, unless there is a problem with the Center. A check will be issued by the Finance Department and will be mailed approximately thirty days after use of the facility.
- g) The cost of repairing any damage to the Center or its contents shall be charged directly to the permit holder in occupancy at the time of the damage. Such cost will be charged against the security deposit. Any cost over and above the security deposit will be the responsibility of the permit holder.
- h) Any violation of Center rules and regulations may result in forfeiture of the total security deposit.
- i) Cancellation of any event must be made in writing and at least seventy-two hours prior to the event, with a penalty of twenty-five dollars (\$25.00). Any written cancellation made less than seventy-two hours prior to the event will be penalized fifty percent (50%) of the security deposit. If no notice is given, the person or group shall forfeit the entire amount of the rental fee and security deposit.
- j) The City Manager or designee has the authority to reduce or waive fees as deemed necessary.

Mr. Mallis explained the intent was to not rent Ellenwood to non-residents which would free up space/rooms for programs/classes and save overtime costs. After review of the amendments, Mr. Gambosi had some concerns regarding the use of credit cards and the credit card security deposit refund which might result in a filing of a W-9; he needed time to do some research. It was determined the ordinance would be read as a first reading.

**ORDINANCE NO. 9647-18 AN ORDINANCE ALLOWING EMPLOYEE PARTICIPANTS TO MAKE INSURANCE PLAN PREMIUM CONTRIBUTIONS ON A PRETAX BASIS FOR THE CALENDAR YEAR 2019 THROUGH WAGE WORKS AND DECLARING AN EMERGENCY**

Mr. Gambosi explained this allowed employee participants to make insurance plan premium contributions on a pretax basis for next year. It was determined this would be read as a first reading.

**FIRST ENERGY KEVIN SMALLEY INTRODUCTION**

Mr. Mallis introduced Mr. Smalley and explained Mr. Smalley was already on board with the issues on First Street. Mr. Smalley passed out some information for Council review. He assured Council and the Administration the City would receive the same service. He was not new to the business and the only hurdle he had was learning who the contacts were. Mr. Gambosi asked Mr. Smalley to look into the power surges in certain areas of the City which had resulted in insurance claims. Mr. Smalley thanked Council for their time and gave everyone his contact information.

**DISCUSSION OF PLANNING COMMISSION APPOINTMENT**

(8/6/18 – 9/4/18 – 9/17/18 Interviews)

Discussion was held again regarding the re-appointment of Mr. Dickard. It was determined after the September 17, 2018 interviews that Chuck Mowery would be removed from the Board of Building Standards & Appeals and appointed to the Planning Commission. George Green would fill Mr. Mowery's vacancy on the Board of Building Standards & Appeals. Not all of Council agreed with the appointments and would vote accordingly at the October 15, 2018 Regular Council meeting.

**DISCUSSION OF HAWTHORNE VALLEY YOUTH COUNCIL** (5 Students / \$1,750)

After Mr. Gambosi explained his discussions with Oakwood Village Clerk Hladky, Council decided the City would support five (5) students at a cost of \$1,750. Council agreed it was important to invest in the student's future.

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

At 7:30 p.m., Bedford City Council, City Manager Mike Mallis, Finance Director Frank Gambosi and Law Director John Montello went into an executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation.

*At 8:00 p.m., Mayor Koci was excused for a family emergency from the Work Session after the Executive Session therefore per the Administrative Code §123 and the Charter Article II Section 8 Councilman Saunders was appointed Presiding Officer / Acting Mayor for the remainder of the evening.*

Executive Session adjourned at 7:59 p.m.

Work Session adjourned at 8:02 p.m.

  
Clerk of Council  
Acting Mayor - President of Council  
Mayor - President of Council

**REGULAR MEETING**

**BEDFORD CITY COUNCIL  
STATE OF OHIO  
COUNTY OF CUYAHOGA**

**DATE: OCTOBER 1, 2018**

**AGENDA**

**TIME: 8:00 P.M.**

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
  - a. Approval of Minutes of the Work Session of September 17, 2018
  - b. Approval of Minutes of the Regular Meeting of September 17, 2018
5. **PRESENTATIONS –**
6. **OLD BUSINESS** – (1<sup>st</sup> Rdg: 9/4/18 – 2<sup>nd</sup> Rdg: 9/17/18)
  - a. Ordinance No. 9636-18 amend #9546-17 §913.02 “Sewer Rates
  - b. Ordinance No. 9637-18 amend #9547-17 §913.03 “Rate Reduction Senior Citizens & Permanently Disabled”
  - c. Ordinance No. 9638-18 amend #7780-05 Water Rates
7. **REPORTS**
  - a. City Manager
  - b. Law Director
  - c. Finance Director
  - d. Council Reports
8. **NEW BUSINESS**
  - a. Ordinance No. 9646-18 amend Ordinance No. 8934-12 - §1105.03 entitled “Rental Rates for the Ellenwood Recreation Center” (“Fees, Deposits and Charges”)
  - b. Ordinance No. 9647-18 employee participants to make insurance plan premium contributions (Plan 125)
9. **HEARING OF CITIZENS**
10. **ADJOURNMENT**

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Bedford City Council met in Regular Session at Bedford City Hall on Monday, October 1, 2018. Acting Mayor Saunders called the meeting to order at 8:04 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Fluharty, Saunders, Rhoades, Spinks, Genutis. Absent: Koci, Mizesak.

*[At 8:00 p.m., Mayor Koci was excused for a family emergency from the Work Session after the Executive Session therefore per the Administrative Code §123 and the Charter Article II Section 8 Councilman Saunders was appointed Presiding Officer / Acting Mayor for the remainder of the evening.]*

Councilman Saunders announced he was appointed Presiding Officer / Acting Mayor at the Work Session and would be filling in this evening because of the absences of Mayor Koci and Vice-Mayor Mizesak.

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

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

Mr. Gambosi combined an explanation for the following Ordinances: *Ordinance No. 9636-18* - The monthly minimum charge of twenty four dollars and forty-six cents (\$24.46) would start January 1, 2019. The charges were increased to two and sixty-seven one-hundredths cents (\$0.0267) and four and one one-hundredths cents (\$0.0401) starting January 1, 2019. The sewer fund was not doing well enough to support certain expensive projects. He talked about the various repairs/upgrades that needed to be done at the WWTP per the EPA. The City continued to work with the EPA on a plan utilizing grant monies, Issue 2 money as well as the Port Authority and the County. Discussion was held how the loss of water had improved. It was determined the 9% increase would be enough but it was important for the City to score well to received grant monies. *Ordinance No. 9637-18* - Starting January 1<sup>st</sup> each eligible senior citizen and the permanently disabled persons would pay a monthly minimum sewer service charge of seventeen dollars and twelve cents (\$17.12). Water in excess of 300 cubic feet used each month for a senior citizen would pay: For the first 100 cubic feet of water in excess of such 300 cubic feet, a charge of one and seventy-sixth one-hundredths cents (\$0.0176) and for each cubic foot of water in excess of the first 100 cubic feet would be charged two and sixty-five one-hundredths cents (\$0.0265). *Ordinance No. 9638-18* - No later than December 15<sup>th</sup> of every year, starting in 2019, the water rates would become effective January 1<sup>st</sup> of the subsequent year. The City of Cleveland had passed a Master Meter Water Increase to \$35.05 for 2019 and \$36.69 from the current rate of \$33.35 a corresponding 5.0975% for 2019 and 4.6790% increase for 2020. His suggested an increase in the water rates in the amount of .0975% for the year 2019. Starting January 1, 2019.

ORDINANCE NO. 9636-18 AN ORDINANCE AMENDING ORDINANCE NO. 9546-17 CONCERNING SECTION 913.02 "SEWER RATES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES PLACED ON FIRST READING SEPTEMBER 4, 2018 AND SECOND READING ON SEPTEMBER 17, 2018 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Rhoades seconded by Genutis to place Ordinance No. **9636-18** on third and final reading and passed.

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



ORDINANCE NO. 9637-18 AN ORDINANCE AMENDING ORDINANCE NO. 9547-17 CONCERNING SECTION 913.03 "RATE REDUCTION FOR SENIOR CITIZENS AND THE PERMANENTLY DISABLED" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES PLACED ON FIRST READING SEPTEMBER 4, 2018 AND SECOND READING ON SEPTEMBER 17, 2018 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Genutis to place Ordinance No. **9637-18** on third and final reading and passed.

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

ORDINANCE NO. 9638-18 AN ORDINANCE REPLACING ORDINANCE NO. 7780-05 RELATING TO WATER RATES PLACED ON FIRST READING SEPTEMBER 4, 2018 AND SECOND READING ON SEPTEMBER 17, 2018 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Fluharty seconded by Genutis to place Ordinance No. **9638-18** on third and final reading and passed.

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

Mr. Montello announced Ordinance Nos. 9636-18, 9637-18 and 9638-18 would take effect in 30 days.

City Manager Michael Mallis announced on October 6<sup>th</sup> was the Children's Fall Festival. He reported Leak Seekers found 13 water leaks throughout the City; the Water Department had already started the repairs. Thirty (30) homes were tested for lead and the result was 4 on a scale of 0-15. The Administration was working to secure a 50/50 grant for infrastructure for the resurfacing of Forbes Road. The street resurfacing project was completed; however, Powers Road was in discussions for repair, crack sealing was completed before the long line street striping project. The sidewalks were still being considered.

No report from Law Director John Montello. The Municipal Court was closed on Columbus Day.

Finance Director Frank Gambosi said the Tax Department continued to address the resident non-filers and the Finance Department was working on the 2019 Budget.

Councilman Fluharty announced the LOHV Fall Fest was October 14<sup>th</sup> starting at noon until 5:00 p.m.

Councilwoman Rhoades announced the \$10 Valentine's Day Chocolate Walk was February 16, 2019, First Fridays would start March 2019 and the Garden Club would be selling bean soup for \$4.50 a bag.

Councilman Genutis talked about the benefits of the community garden which was available to the residents. He referred to the recent US Department of Agriculture informational meeting that explained how to deter deer using fencing and repellents. There was no indication that the deer were starving as a purpose of culling. The USDA attributed the deer population, in part, by the fact that they have not had predators in the past with the abundance of the population occurring at the "edge habitats". There was no answer as to how many deer were too many; it was merely perception of residents and City leaders based on the socially acceptable amount of property damage and/or traffic accidents. He researched Solon's culling program and concluded the culling programs were not effect but preputial with no end. He believed deer culling should be stopped and wondered what the younger generation's thoughts were. He thought the deer culling program was more of a political solution than anything else. He said there was



ethical and legitimate reasons to cull wildlife such as”: to protect other species, protect people’s was of making a living, to stop the deer from eating food sources, some animals pose a danger to humans and the population with no predators would keep increasing which he felt none applied because Bedford had an influx of coyotes. He personally understood deer were an inconvenience when they ate our vegetation and caused accidents but it was obvious wildlife was going to be around while there was food and water. He felt people often forget we lived in one of the largest hardwood forests and in the largest freshwater ecosystem on the planet and animals were going to be walking around as long as the City prohibited fencing-off yards entirely. Fencing was the best deterrent according to the USDA representatives. He thought everyone should change their minds about the natural landscape: like turning the facets of the gem by viewing the abundance of greenery and wildlife as an asset, a blessing and selling point. Residents comment Bedford has never had this many deer; however, Bedford never had coyotes, wild turkeys and bald eagles. Nature was prevailing so why fight it. One thing he knew was the deer were here for good and so were the coyotes. He predicted the same people who were asking over and over what the City was going to do about the deer would soon be asking what the City was going to do about the coyotes. He figured these residents would want the coyotes culled too. The City Manager and Officers were doing the best they knew in the most reasonable, cost effective and safe ways which was acknowledged by the USDA, ODNR and himself. His belief was that Nature had something sublime to teach humans to lead us to a more natural and compassionate lives, less superficial and artificial. He believed in Nature there was a wisdom that was beyond our understanding. He ended his report with, “we’ll see what happens.”

Councilwoman Spinks said her thoughts and prayer were with the Koci family. She told a story about an elderly resident whose door was left unlocked and a man entered the house and stole her purse. She urged residents to lock their doors to stay safe because of the change in society. She asked residents/visitors to be kind and understanding when event volunteers close their booths. These event volunteers were donating their time for free and at their own cost for supplies/materials.

Acting Mayor Saunders pointed out truck traffic was tearing up some of the City’s roads. He was pleased the Leak Seekers water sounding numbers were low. He was concerned about the Northfield Road dip and wondered if there was a void in that area. He said the street casting at Taylor Road and Broadway Avenue needed inspected/reviewed. He appreciated the completion of the recent street striping program, the use of the correct paint and asked if Ennis was going to be done plus suggested the street striping be done earlier in the year.

ORDINANCE NO. 9646-18 AN ORDINANCE AMENDING ORDINANCE NO. 8934-12 SECTION 1105.03 ENTITLED “RENTAL RATES FOR THE ELLENWOOD RECREATION CENTER” AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Rhoades seconded by Spinks to place Ordinance No. **9646-18** on first reading.

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

ORDINANCE NO. 9647-18 AN ORDINANCE ALLOWING EMPLOYEE PARTICIPANTS TO MAKE INSURANCE PLAN PREMIUM CONTRIBUTIONS ON A PRETAX BASIS FOR THE CALENDAR YEAR 2019 THROUGH WAGE WORKS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Fluharty seconded by Spinks to place Ordinance No. **9647-18** on first reading.

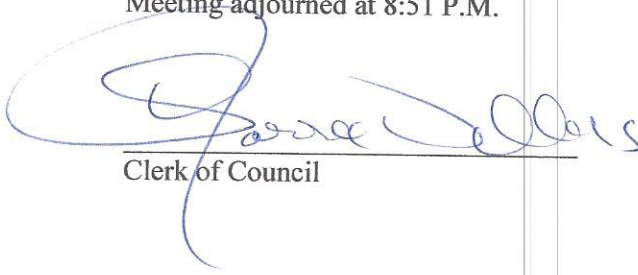
The roll was called. Vote – Yeas: Fluharty, Saunders, Rhoades, Spinks, Genutis. Nays: None. Motion carried unanimously.

Acting Mayor Saunders said that concluded the business portion of the meeting and asked if anyone in the audience had any comments.

Sarah Gnoddie, 70 Columbus, Southeast Cuyahoga County Public Library listed several programs and showcases soon to be offered at the library.

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

Meeting adjourned at 8:51 P.M.

  
Clerk of Council  
Acting Mayor - President of Council  
Mayor - President of Council