

COUNCIL WORK SESSION

OCTOBER 3, 2016

6:30 P.M. PROMPT

- **DISCUSSION OF AGENDA**

- **EXECUTIVE SESSION**
 - PERSONNEL – DISCIPLINE
 - 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, October 3, 2016 at 6:37 p.m.

Present: Council Members: Mayor Stan Koci, Marilyn Zolata, Walter Genutis, Sandy Spinks, Greg Pozar, Don Saunders, Paula Mizensak. Absent: None. Administration: City Manager Michael Mallis, Finance Director Frank Gambosi, Clerk of Council Lorree Villers. Also in attendance: Law Director John Montello and Beth Housiaux-Steward, 93 Avalon Avenue.

Council had no changes to the minutes of the Work Session and the Regular Meeting of September 19, 2016 or the Special Work Session of September 26, 2016.

ORDINANCE NO. 9403-16 AN ORDINANCE ENACTING SECTION 549.20 ENTITLED "FLYING MODEL AIRCRAFT, UNMANNED AIRCRAFT SYSTEMS AND DRONES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD

After reviewing the amendments from the last meeting, Mr. Genutis was not 100% satisfied with the wording in regards to the use of a drone in an emergency situation. He felt it should be completely defined as to the kinds of situations a drone would be used. The Police Department didn't own or wasn't in the process of purchasing a drone; however, the intent was not to use a drone for illegal searches. If Bedford had a drone and it would be used only in emergency situations then why wasn't that stated in the ordinance. It was agreed there were pros and cons of using drones, robots and thermal imaging equipment but these instruments have saved Officers lives, other lives and were beneficial/successful in arrests. It was reiterated from the last Work Session Council and the Administration had to have a "level of trust" to allow Officers to do their jobs professionally obviously allowing an Officer to carry a gun. It was important to be proactive on this issue because of the recent popularity of drones with residents, businesses, contractors and visitors. It was agreed the Federal Government would have the final say as they do in many other situations. It was mentioned years ago a grant was used to purchase a robot the Police Department never utilized. The Administration felt the ordinance was written accordingly and Council would have to vote their conscience.

ORDINANCE NO. 9420-16 AN ORDINANCE AMENDING ORDINANCE NO. 9212-14 THE CITY OF BEDFORD PURCHASING POLICY/GUIDELINES TO CONFORM WITH THE REQUIREMENTS OF THE OHIO REVISED CODE, TO CLARIFY PROCEDURES

Mr. Gambosi suggested the City's Purchasing Policy/Guidelines be adopted and amended to conform to changes in the law and to clarify the procedures. He noted the changes were: 1) materials, services and supplies from businesses located within the city if costs are within 10% of outside business quotes or bids as listed on pages 5, 6, 7, and 8 attached to the ordinance.

ORDINANCE NO. 9421-16 BEING AN ORDINANCE AMENDING ORDINANCE NO. 9325-15 CONCERNING SECTION 913.02 "SEWER RATES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES

Mr. Gambosi requested this be passed this evening with a 4% increase. Council had no concerns.

ORDINANCE NO. 9422-16 BEING AN ORDINANCE AMENDING ORDINANCE NO. 9326-15 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

Mr. Gambosi explained it was necessary to increase sewer service charges starting January 1, 2017. Council had no concerns.

ORDINANCE NO. 9423-16 AN ORDINANCE AMENDING ORDINANCE NO. 9337-15 CODIFIED ORDINANCE §911.03 "RATE REDUCTION FOR DISABLED PERSONS AND SENIOR CITIZENS" FOR WATER AND SEWER DISCOUNTS

Mr. Gambosi reiterated the City recognized the need to assist Senior Citizens and the permanently disabled whose income levels were not sufficient to pay normal water and sewer rates. The City still intended to provide a 30 percent discount (30%) in water and sewer base rates to applicants age 65 or older or have been declared 100 percent (100%) totally and permanently disabled by a State or Federal Agency, the applicant, their spouse and any other household members residing in the premises must have a combined income of less than \$32,406.00 for the year 2015 to receive the discount in the year 2017, the applicant must own and occupy the residence which means the residents residing in rental property do not qualify for the water and sewer discount and the applicant, their spouse and household must not have more than \$3,000 per year in dividend and interest income. Council had no concerns.

ORDINANCE NO. 9425-16 AN ORDINANCE ADOPTING THE CITY OF BEDFORD FIXED ASSET (CAPITAL ASSET) POLICY TO CONFORM WITH THE REQUIREMENTS OF THE OHIO REVISED CODE, TO CLARIFY PROCEDURES

Mr. Gambosi recommended that Council adopt the Fixed Asset (Capital Asset) Policy to conform to the changes in the law and to clarify the procedures necessary. Discussion was held of the different scenarios of how residents could purchase land. Council had no concerns.

ORDINANCE NO. 9431-16 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NICK'S TREE SERVICE DIVISION

Mr. Mallis explained Nick's Tree Service was the lower of the two quotes for the larger trees which also included stump removal. The City's arborist and Service Department did not have adequate equipment to remove the larger trees. It was determined even with the hiring of an arborist and contracting for the larger trees it was less expensive than past years of paying to have all the trees removed. Mr. Saunders explained he would have to abstain during the vote this evening because he was involved in a lawsuit in a different community. Council had no concerns.

ORDINANCE NO. 9432-16 AN ORDINANCE AMENDING SECTION 1311.29 OF THE BUILDING CODE ENTITLED "CERTIFICATE OF INSPECTION" OF THE CITY OF BEDFORD, OHIO

Mr. Mallis explained the changes were determined by working jointly with the Courts starting with letter "b to f". These amendments would allow the City the option of an Administrative Warrant. This process would allow the City to address the inspection through the Court system if necessary. Council had no concerns.

ORDINANCE NO. 9433-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ARCHITECTURE OFFICE, LLC (AO)

Mayor Koci explained the contract had a not to exceed option/price and if the City chose it did not have to complete all the separate phases. The City had a vision of what they'd like to see at the old Moonglow area overlooking the Metroparks but needed professionals to produce it on paper. Mr. Mallis had hopes of using two grants in conjunction with the project to defer the costs and the Mayor was working with First Suburbs Consortium. Even in a budget crisis the City had to spend money to make money and the best option for Bedford was to ensure the property was marketable. Discussion was held that the current City's Master Plan was eight years old and needed addressed.

RESOLUTION NO. 2506-16 A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF BEDFORD TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF BEDFORD WITH THE GENERAL HEALTH DISTRICT OF CUYAHOGA COUNTY FOR HEALTH SERVICES FOR THE YEAR 2017

Mr. Mallis explained this contract assisted the City with various resident situations throughout the City. Cuyahoga County furnished the City with all necessary medical, nursing, sanitary, laboratory and such other health services which were required by the State of Ohio. The cost increased from \$3.92 to \$4.12 per resident. The program was extremely important with the increased related deaths related to opiates, heroin, fentanyl and carfentanyl. They provide naioxone the overdose reversal drug to several Cuyahoga County communities.

RESOLUTION NO. 2507-16 A RESOLUTION ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES

Mr. Mallis explained Council and the Administration needed time to adopt regulations prohibiting or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the City. Everyone agreed nothing like this would go in the downtown Historical District. It was determined regulations for cultivation, processing, sale, and use of medical marijuana would continue to change.

Motion to accept the Planning Commission recommendation of September 20, 2016 for Brian Grambort / Herman Gibans Fodor, Inc., Architects, 1939 West 25th St., Suite 300, Cleveland, OH who is seeking relief from §1305.09 of the Codified Ordinances of the City of Bedford to construct two new additions to the front on the existing structure located at 315 Bonnieview Drive to 1) Reconfigure the 12 efficiency apartments into one-bedroom units, and 2) Reworking the front entrance of the building adding a new canopy

Mr. Mallis explained the Commission and Mr. Beverly approved this issue with no concerns. Council had no concerns.

Motion to accept the Planning Commission recommendation of September 20, 2016 for Saint Servan Centre LTD, 30799 Pinetree Road, #254, Cleveland, OH owner of 480 Northfield Road who is seeking relief from 1927.02 (j) of the Codified Ordinances of the City of Bedford to operate the existing athletic facilities.

Mr. Mallis explained the facility was recently opened to athletic type programs. It was nice to see activity again in the old school. The hours were recently scaled back to ensure the neighbors would not be bothered by lights and noise from the outside sports. Visitor participation only meant the area stores would be visited and monies spent in the area restaurants. Council welcomed the new owner and visitors to Bedford; this was a positive thing for the City.

Motion to accept the Planning Commission recommendation of September 20, 2016 for Saint Servan Centre LTD, 30799 Pinetree Road, #254, Cleveland, OH owner of 480 Northfield Road who is seeking relief from 1927.02 (d) of the Codified Ordinances of the City of Bedford to utilize the Chapel for Sunday services, weekly meetings and services (9/20/16 PC Failed)

Mr. Mallis explained the Commission failed the applicant's request because of the lack of information. He told a story about a homeowner who wanted to recently convert their home into a church which was denied by the Administration. Discussion was held that Pastor Graves previously held services in the basement of St. Mary's; Pastor Graves knew Father Dan. Council was provided several pieces of documentation at the Commission's request for more information.

Discussion of the Regular Meeting agenda was concluded.

Motion made by Mizesak and seconded by Zolata to go into an Executive Session to discuss Personnel – Discipline and Litigation. The roll was called. Vote – Yeas: Spinks, Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Nays: None. Motion carried unanimously.

At 7:40 p.m., Bedford City Council, City Manager Mallis and Finance Director Gambosi went into an executive session to discuss Personnel – Discipline and Litigation.

At 7:59 p.m., Bedford City Council adjourned executive session.

Work Session adjourned at 8:00 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 September 19, 2016
- b. Approval of Minutes of the Regular Meeting of September 19, 2016
- c. Approval of Minutes of the Special Work Session of September 26, 2016

5. PRESENTATIONS

6. OLD BUSINESS

- a. Ordinance No. 9403-16 enacting §549.20 entitled "Flying Model Aircraft, Unmanned Aircraft Systems and Drones" (1st Rdg 7/5, Tabled 8/1-9/6, 2nd Rdg 9/19, Amended 10/3)
- b. Ordinance No. 9420-16 amend Ordinance No. 9212-14 Purchasing Policy/Guidelines (1st Rdg 9/6, 2nd Rdg 9/19)
- c. Ordinance No. 9421-16 amend Ordinance No. 9325-15 §913.02 "Sewer Rates" (1st Rdg 9/6, 2nd Rdg 9/19, Amended 10/3)
- d. Ordinance No. 9422-16 amend Ordinance No. 9326-15 §913.03 "Rate Reduction for Senior Citizens and the Permanently Disabled" (1st Rdg 9/6, 2nd Rdg 9/19)
- e. Ordinance No. 9423-16 amend Ordinance No. 9337-15 §911.03 "Rate Reduction for Disabled Persons / Senior Citizens" (1st Rdg 9/6, 2nd Rdg 9/19)
- f. Ordinance No. 9425-16 adopt Fixed Asset (Capital Asset) Policy (2008/2010) (1st Rdg 9/6, 2nd Rdg 9/19)

7. REPORTS

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

8. NEW BUSINESS

- a. Ordinance No. 9431-16 contract with Nick's Tree Service Division for tree removal (\$15,925)
- b. Ordinance No. 9432-16 amend §1311.29 "General"
- c. Ordinance No. 9433-16 contract with Architecture Office (AO) for design and master planning services (\$11,600)
- d. Resolution No. 2506-16 contract with Cuyahoga County Board of Health for 2017 public health services (\$53,865.00)
- e. Resolution No. 2507-16 moratorium that would enable the cultivation, processing, distribution or sale of medical marijuana
- f. Motion to accept the Planning Commission recommendation of September 20, 2016 for Brian Grambort / Herman Gibans Fodor, Inc., Architects, 1939 West 25th St., Suite 300, Cleveland, OH who is seeking relief from §1305.09 of the Codified Ordinances of the City of Bedford to construct two new additions to the front on the existing structure located at 315 Bonnieview Drive to 1) Reconfigure the 12 efficiency apartments into one-bedroom units, and 2) Reworking the front entrance of the building adding a new canopy

- g. Motion to accept the Planning Commission recommendation of September 20, 2016 for Saint Servan Centre LTD, 30799 Pinetree Road, #254, Cleveland, OH owner of 480 Northfield Road who is seeking relief from 1927.02 (j) of the Codified Ordinances of the City of Bedford to operate the existing athletic facilities
- h. Motion to accept the Planning Commission recommendation of September 20, 2016 for Saint Servan Centre LTD, 30799 Pinetree Road, #254, Cleveland, OH owner of 480 Northfield Road who is seeking relief from 1927.02 (d) of the Codified Ordinances of the City of Bedford to utilize the Chapel for Sunday services, weekly meetings and services (9/20/16 PC Failed)

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, October 3, 2016. Mayor Koci called the meeting to order at 8:07 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Genutis, Pozar, Saunders, Zolata, Spinks, Koci, Mizesak. Absent: None.

Motion made by Mizesak and seconded by Pozar to approve the minutes of the Work Session Meeting of September 19, 2016. The roll was called. Vote – Yeas: Genutis, Pozar, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Genutis to approve the minutes of the Regular Meeting of September 19, 2016. The roll was called. Vote – Yeas: Genutis, Pozar, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Pozar to approve the minutes of the Special Council Work Session Meeting of September 26, 2016. The roll was called. Vote – Yeas: Genutis, Pozar, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9403-16 AN ORDINANCE ENACTING SECTION 549.20 ENTITLED “FLYING MODEL AIRCRAFT” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD PLACED ON FIRST READING JULY 5, 2016, TABLED AUGUST 1, 2016 AND SEPTEMBER 6, 2016, REMOVED FROM THE TABLE AND PLACED ON SECOND READING ON SEPTEMBER 19, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Zolata seconded by Spinks to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Saunders, Zolata, Spinks, Koci, Mizesak. Nays: Genutis, Pozar. Motion carried.

Mr. Montello clarified since the vote was 5 Yeas and 2 Nays Ordinance No. 9403-16 would not pass as an emergency; however, would go into effect in 30 days. Mr. Mallis explained the Administration was trying to be proactive rather than reactive since the cost of drones were reasonable now a days. It was important to get some sort of regulations/rules in the Codified Book in conjunction with the Federal Laws.

Motion made by Mizesak seconded by Spinks to place Ordinance No. **9403-16** on third and final reading and passed.

The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizesak. Nays: Genutis, Pozar, Saunders. Motion carried.

ORDINANCE NO. 9420-16 AN ORDINANCE AMENDING ORDINANCE NO. 9212-14 THE CITY OF BEDFORD PURCHASING POLICY/GUIDELINES TO CONFORM WITH THE REQUIREMENTS OF THE OHIO REVISED CODE, TO CLARIFY PROCEDURES PLACED ON FIRST READING SEPTEMBER 6, 2016 AND SECOND READING SEPTEMBER 19, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Pozar seconded by Spinks to suspend the rule requiring the reading of said ordinance three different days.

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

Motion made by Spinks seconded by Zolata to place Ordinance No. **9420-16** on third and final reading and passed.

Mr. Gambosi explained the policy stated the City may consider buying from businesses within the city if costs were within 10% of outside business quotes/bids and advertise/sell City used vehicles for better pricing.

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

Mr. Gambosi explained the next three (3) ordinances dealt with: a 4% sewer rate increase commencing in 2017, a rate reduction for senior citizens and permanently disabled and the senior citizens and permanently disabled rate reduction program. He clarified the program has to be applied for annually.

ORDINANCE NO. 9421-16 BEING AN ORDINANCE AMENDING ORDINANCE NO. 9325-15 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 6, 2016 AND SECOND READING SEPTEMBER 19, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizesak seconded by Saunders to suspend the rule requiring the reading of said ordinance three different days.

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

Motion made by Zolata seconded by Spinks to place Ordinance No. **9421-16** on third and final reading and passed.

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

ORDINANCE NO. 9422-16 BEING AN ORDINANCE AMENDING ORDINANCE NO. 9326-15 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 6, 2016 AND SECOND READING SEPTEMBER 19, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Genutis to suspend the rule requiring the reading of said ordinance three different days.

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

Motion made by Mizesak seconded by Saunders to place Ordinance No. **9422-16** on third and final reading and passed.

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

ORDINANCE NO. 9423-16 AN ORDINANCE AMENDING ORDINANCE NO. 9337-15 CODIFIED ORDINANCE §911.03 "RATE REDUCTION FOR DISABLED PERSONS AND SENIOR CITIZENS" FOR WATER AND SEWER DISCOUNTS PLACED ON FIRST READING SEPTEMBER 6, 2016 AND SECOND READING SEPTEMBER 19, 2016 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 three different days.

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

Motion made by Spinks seconded by Genutis to place Ordinance No. **9423-16** on third and final reading and passed.

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

ORDINANCE NO. 9425-16 AN ORDINANCE ADOPTING THE CITY OF BEDFORD FIXED ASSET (CAPITAL ASSET) POLICY TO CONFORM WITH THE REQUIREMENTS OF THE OHIO REVISED CODE, TO CLARIFY PROCEDURES PLACED ON FIRST READING SEPTEMBER 6, 2016 AND SECOND READING SEPTEMBER 19, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizensak seconded by Saunders to suspend the rule requiring the reading of said ordinance three different days.

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

Motion made by Zolata seconded by Genutis to place Ordinance No. **9425-16** on third and final reading and passed.

Mr. Gambosi explained this policy added "land" to the list of Capital Asset Items, amended the Deletion or Disposition of Capital, Vacant Residential/Commercial Lot Program Sales, Sale of Side-lot Programs County/City and Residential/Commercial Vacant Side-lot Sale Guidelines.

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

Congratulations and kudos were given to those who participated in the various successful festivals this year. The festivals/events benefited various age groups including the children with various activities. Everyone was pleased with the winnings of the Bedford Bearcats and the Cleveland Indians this season.

City Manager Michael Mallis reported the Dominion Gas line project was still underway: Columbus and Blaine were almost completed, Gould and Center had another 1,000' remaining and 130 services ready to be tied in on Ellenwood, Wandle and Center. Residents were not without natural gas, the old connections were still in place and appointments were being made to set up for the new connection. There was approximately five (5) weeks of construction for this area. The annual leaf pick up would be scheduled accordingly to the foliage forecast. He urged residents and visitors not to park on the street during leaf pickup because the vacuum can't reach around/past the vehicles. Inconsiderate parking causes leaf pickup

delays and scheduling problems. CEI would also be trimming trees throughout the City for the remainder of the year.

No reports from Law Director John Montello.

Finance Director Frank Gambosi said the Tax Department's subpoena non-filers program was very successful and the 2017 budget discussions were underway at an estimated \$1,000,000 deficit which included the refuse fee.

Councilman Genutis had natural reservations about Ordinance No. 9403-16 more as a lifelong resident than a member of the City of Bedford local government. The law enforcement industry, like all other professional industries, was forever producing new technologies/new products. The news was filled with sensational stories how drones and robots were used to "save-the-day" and get the bad guys. He tried for weeks to coerce the Chief and City Manager to modify the precise wording of the ordinance to include rational safeguards to overcome any fears the public may have over the use of these military drones especially concerning unwelcome police surveillance. While Council was given verbal assurances that these police drones would only be used in emergency situations the ordinance still read otherwise. He thought it's important to vote according to exactly what the ordinance read. The laws the City enacts should be impeccable and stand on their own without the need for special explanations and personal assurances on the side that the authorizations granted will not be abused at some later date. It was far best as legislators to not allow that potential to exist. Thoughts that these police drones would be used to patrol our neighborhoods had a chilling effect, not a comforting one. He didn't want his children to live in a city where these armed military drones were buzzing all around; it was not the promise of a free society. It was the picture of a police state he hoped all of us would not want because such a future was not good and wholesome. He felt the passage of this ordinance, while well-intended by honorable people, was the very seed to an unwelcome future.

Councilman Pozar also had reservations about how the drone ordinance was written with knowledge of Federal Government's intrusion on Home Rule. He felt Council did not have any reservations in regards to the Bedford Police Department doing the right thing for the right reasons. He was aware of Federal Governments creeping into local police departments. He felt if there was a Federal intervention Bedford's Codified Ordinances would not matter. He agreed the ordinance needed to be clear, precise and understandable to the average citizen.

Councilman Saunders clarified "air space" was regulated by the Federal Government who have been continually amending their own drone ordinance. He felt drones would go the same route as the drilling/fracking, telecommunications and these types of regulations. He explained Bedford's sewer increase was 4% but Regional Sewer had an 8% increase for the next three years along with a storm water management fee. He said he would be abstaining from Ordinance No. 9431-16 because of a lawsuit he was named in at the Northfield Center Township. He pointed out that some of the new Dominion gas lines ranged from a few inches to 18 inches which could be concerning being too close to the surface. He urged residents and visitors not to park on the street on rubbish pickup days; the automated service could not reach past the vehicles to the tree lawns.

Councilwoman Zolata clarified the senior discount had to be applied for annually by the homeowner. She invited everyone to the LOHV Fall Festival on October 9th.

Councilwoman Spinks was pleased with the drone ordinance as she had a son as an Officer. She spoke highly of the "Wags for Warriors" program. This non-profit organization assisted those who suffer from PTSD using special trained dogs for medical reasons. The next FriDates concert was at St. Mary's Church at 7:30 p.m.

Councilwoman Mizesak was very pleased with many festivals/events/fundraisers this year; however, she was very impressed with the recent Meals on Wheels fundraiser. She spoke about the second \$100,000 grant the Historical Society received from the State of Ohio for the Old Church. She urged everyone to attend the Firefighters annual clambake Saturday, October 8th. She mentioned on October 6th the Bedford Historical Society (BHS) would have a program about former Bedford resident Lillian Collins. The program had aired in China and now the BHS were able to share parts of it with the public.

Mayor Koci clarified the Police Department did not have a drone nor were the Bedford streets being patrolled by a drone. He thought drones were a very good tool for Police and Fire Departments to use in an emergency situations; a drone could be a very effective tool and regulated by the Federal Government. The Administration had already dealt with a neighbor harassing another neighbor with their drone. With Ordinance No. 9403-16 in the Codified Books now the Police Department could enforce the law.

ORDINANCE NO. 9431-16 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NICK'S TREE SERVICE DIVISION AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Pozar seconded by Mizesak to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Genutis, Pozar, Zolata, Spinks, Koci, Mizesak. Nays: None. Abstain: Saunders. Motion carried.

Motion made by Spinks seconded by Zolata to place Ordinance No. **9431-16** on third and final reading and passed.

Mr. Mallis explained the City did not have the adequate staff or equipment to safely remove the larger trees. Nick's Tree Service was the lower of two quotes which also included stump removal.

The roll was called. Vote – Yeas: Genutis, Pozar, Zolata, Spinks, Koci, Mizesak. Nays: None. Abstain: Saunders. Motion carried.

ORDINANCE NO. 9432-16 AN ORDINANCE AMENDING SECTION 1311.29 OF THE BUILDING CODE ENTITLED "CERTIFICATE OF INSPECTION" OF THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Zolata to suspend the rule requiring the reading of said ordinance three different days.

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

Motion made by Pozar seconded by Saunders to place Ordinance No. **9432-16** on third and final reading and passed.

Mr. Mallis explained the component that was added was the Administrative Warrant process to allow the City to address the inspection through the Court system.

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

ORDINANCE NO. 9433-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ARCHITECTURE OFFICE, LLC (AO) AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizsak seconded by Pozar to suspend the rule requiring the reading of said ordinance three different days.

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

Motion made by Zolata seconded by Spinks to place Ordinance No. **9433-16** on third and final reading and passed.

Mr. Mallis explained this company was experienced with master plan development services to specifically focus on the property located at the Taylor, Union and Willis Street area. The City needed to work hand in hand with a professional company to ensure this location would be developed for its best potential. Mayor Koci noted the City needed to spend a little money to make the right decisions even though the City was experiencing financial concerns.

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

RESOLUTION NO. 2506-16 A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF BEDFORD TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF BEDFORD WITH THE GENERAL HEALTH DISTRICT OF CUYAHOGA COUNTY FOR HEALTH SERVICES FOR THE YEAR 2017 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Zolata seconded by Genutis to suspend the rule requiring the reading of said resolution three different days.

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

Motion made by Mizsak seconded by Saunders to place Resolution No. **2506-16** on third and final reading and passed.

Mr. Mallis explained this contract assisted the City with various resident situations throughout the City. The General Health District of Cuyahoga County furnished the City with all necessary medical, nursing, sanitary, laboratory and such other health services which were required by the State of Ohio. The cost was increased from \$3.92 to \$4.12 per resident. The program was extremely important with the increased related deaths related to opiates, heroin, fentanyl and carfentanyl. They provide naioxone the overdose reversal drug to several Cuyahoga County communities.

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

RESOLUTION NO. 2507-16 A RESOLUTION ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW

APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Pozar seconded by Spinks to suspend the rule requiring the reading of said resolution three different days.

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

Motion made by Spinks seconded by Zolata to place Resolution No. **2507-16** on third and final reading and passed.

Mr. Mallis explained the City was taking a proactive approach on this issue. The moratorium allowed the City to figure out the best approach and to see how this issue was going to play out. Mr. Pozar said this issue was across the Country and the obvious drawback were some of the stores actually sold medical marijuana not only in the liquid form but the dried form for smoking. He noted the State Medical Board listed several health conditions that medical marijuana could be used for; however, the State wasn't addressing the heroin problems. He didn't understand why the State of Ohio couldn't regulate it in the liquid form only as other States had dried and candy form medical marijuana. The City would address this issue at a later date according to what the State mandates.

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

Motion made by Zolata seconded by Genutis to accept the Planning Commission recommendation of September 20, 2016 for Brian Grambort / Herman Gibans Fodor, Inc., Architects, 1939 West 25th St., Suite 300, Cleveland, OH who is seeking relief from §1305.09 of the Codified Ordinances of the City of Bedford to construct two new additions to the front on the existing structure located at 315 Bonnieview Drive to 1) Reconfigure the 12 efficiency apartments into one-bedroom units, and 2) Reworking the front entrance of the building adding a new canopy.

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

Motion made by Mizesak seconded by Saunders to accept the Planning Commission recommendation of September 20, 2016 for Saint Servan Centre LTD, 30799 Pinetree Road, #254, Cleveland, OH owner of 480 Northfield Road who is seeking relief from 1927.02 (j) of the Codified Ordinances of the City of Bedford to operate the existing athletic facilities.

Mayor Koci explained the applicant did not have any problems with flexible outside event/game hours; they wanted to be good neighbors and good partnership.

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

Motion made by Zolata seconded by Genutis to accept the Planning Commission recommendation of September 20, 2016 for Saint Servan Centre LTD, 30799 Pinetree Road, #254, Cleveland, OH owner of 480 Northfield Road who is seeking relief from 1927.02 (d) of the Codified Ordinances of the City of Bedford to utilize the Chapel for Sunday services, weekly meetings and services.

Mr. Mallis explained this issue was before the Planning Commission who because of the lack of information failed the applicant's request plus the Building Commissioner needed some additional documents. The Commission informed the applicant that they could reapply with the necessary additional information. He explained there was also a different situation where a resident in an R-2 District tried to start up a church in a home. Mr. Pozar felt since the applicant had submitted all the pertinent information for Council consideration this evening it should be overturned. Council had the authorization to overturn the Planning Commission's recommendations. He referred to the Commission's Meeting minutes that spoke to this organization was here to serve, build a community for worship, create a positive message to cause people to dream again and bring purpose into their lives and others with Sunday hours of 8:00 a.m. to noon. Plus, they previously served at St. Mary's knowing Father Dan who worked as Christians; one church being Catholic and the other non-denominational. The other situation of someone wanting to start a church in a residential home had nothing to do with this applicant. This church was bringing something positive to the community. Mayor Koci explained Bedford had 22 churches within the City so it being a church was not the issue; it was the floor plan so he wanted to talk to the Fire Inspector. Mr. Pozar felt since there was previous Chapel in the building there couldn't be numerous issues. Mr. Genutis reviewed the 20+ pages of information this evening in their packet and asked if the Commission had this information. Mr. Mallis explained the Commission did not have the information provided this evening. Mr. Genutis asked since Mr. Mallis received the same information as Council if he was satisfied that the church was legitimate. Mr. Mallis felt the church was legit but he had not reviewed all the information. Mr. Genutis pointed out the building was previously a high school so there should be no question whether there were bathrooms or egress/ingress. Mrs. Spinks felt the question/concern was whether there were enough bathrooms available in the Chapel location/area of the building. Mr. Mallis explained Mr. Sam Cannata previously identified the locations of the bathrooms during the Commission Meeting. He said the issue was what "use" would be approved as to how the building would be identified/utilized. He said it was sometimes as simple as just following the Codes and work hand in hand with the Building Department. The Fire Department and Building Department had already visited the facility and granted approval to operate the existing athletic facilities. There was a mutual cooperation between the City and Mr. Cannata. He was pleased to see the interest and participation of the athletic facilities. Mr. Pozar felt the applicant should be given approval to continue their good work.

The roll was called. Vote – Yeas: Koci. Nays: Genutis, Pozar, Saunders, Zolata, Spinks, Mizsak. Motion failed. The Planning Commission's recommendation was overturned by Council 6-1; the applicant was given approval to move forward.

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

Tim Tench, 286 Marion Road, was pleased to hear the Bearcats were being recognized for their winnings. A Turin Officer was now on staff who would be visiting homes and neighbors regarding children that were not attending school using a Guideline process. He agreed with Mr. Pozar and Mr. Genutis for their concerns regarding Ordinance No. 9403-16. He referred to the ROCK Church and wanted to know if they were "tax exempted"? Mr. Gambosi replied the organization/church would be tax exempted but the people "renting" the facility made the property taxable as a rental property; the City, County and School system view it as such. It was determined the new owner would be paying property taxes.

Mr. Cannata, the owner/applicant of 480 Northfield Road, approached the podium to answer any questions or concerns. He thanked Council for the approval for the ROCK Church. He clarified, he and his applicants were working closely with the Building Department Commissioner to ensure the City was getting the documents/drawings that were required to satisfy the City's needs per the POS. He assured everyone there would be employment/income taxes paid to the City plus property taxes as he was not exempt from property taxes. All the Exit interior and exterior lighting had been upgraded and the fire alarm was tested and passed. He said since the building had sat empty for so long it was going to be work

in process. His focus was to be a good neighbor and work with the City to create something productive for the property because it was a large piece of land. He was available anytime for questions and concerns.

Jeff Duber, 134 Harriman Street, said he paid all his bills online and chose the date in which the bill was due and had no issues with his other utilities. He recently had a City water payment considered late because it took longer to electronically clear and wondered how many days in advance he needed to pay the bill. There was no definite or obvious answer because of the manner in which banks handle/pay electronically, so Mr. Duber was instructed to pay his City water bill in advance to avoid future problems.

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

Meeting adjourned at 9:33 P.M.



Clerk of Council



Mayor - President of Council